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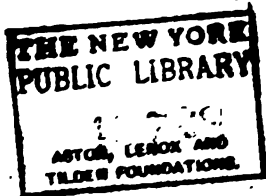
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A COMPILATION
OF THE
Laws of the State of New York;
ALSO, OF THE
ORDINANCES, RESOLUTIONS AND ORDERS
ESTABLISHED BY THE MAYOR, ALDERMEN AND COMMONALTY OF THE
CITY OF NEW YORK, IN COMMON COUNCIL CONVENED,
RELATING TO
THE FIRE DEPARTMENT
OF THE
CITY OF NEW YORK,
FROM 1812 TO 1855 ;
ALSO, A CONTINUATION OF THE REVISION OF THE ORDINANCES OF 1845,
APPERTAINING TO
THE FIRE DEPARTMENT,
TO THE YEAR 1855,
PURSUANT TO A RESOLUTION OF COMMON COUNCIL, APPROVED SEPT. 22 1854.

BY THE CLERK OF THE BOARD OF COUNCILMEN.

NEW YORK :
McSPEDON & BAKER, PRINTERS, 25 PINE STREET.
1855.



By Councilman Pinckney.

Resolved, That the Clerk of the Common Council be, and he is hereby directed to employ a competent copyist to compile all the various laws and amendments to laws, as passed by the State Legislature, and all the ordinances, amendments to ordinances, and resolutions, as passed by the Common Council, relative to the organization and regulation of the New York Fire Department, from the passage of the original law, authorizing the Common Council to "appoint firemen," passed 1813.

Adopted by the Board of Councilmen, Sept, 18, 1854.

Adopted by the Board of Aldermen, Sept. 21, 1854.

Approved by the Mayor, Sept. 22, 1854.

PREFACE.

IN the following compilation of the Laws of the State, and Ordinances, &c., of the Common Council, relating to the Fire Department of the city of New York, in pursuance of a resolution of the Common Council, approved September 22, 1854, the compiler is aware, that although he has endeavored to execute the trust with faithfulness and accuracy, many defects will necessarily appear in consequence of the many imperfections in the Records of the Common Council of the city, more particularly in those ordinances established anterior to 1832, which appear only in MSS. and loose and imperfect files.

The compiler is indebted to the Clerk of the Common Council for very efficient aid in searching the manuscript records of early date, which will be found in the following work, as much from necessity in the form of history, as of transcript of ordinances, &c.

Trusting that the following compilation will fill up a blank, long and seriously felt by the Common Council, and the Fire Department generally, it is, with great deference, accordingly submitted by

C. T. McCLENACHAN.

January 1, 1855.

21st SESSION.

AN ACT to incorporate the Firemen of the city of New York.

PASSED March 20th, 1798.

Whereas, The firemen of the city of New York, have, by their petition to the Legislature, prayed to be incorporated, the more effectually to enable them to provide adequate funds for the relief of disabled and indigent firemen, and for the purpose of extinguishing fires: therefore,

Preamble.

Be it enacted by the People of the State of New York, represented in Senate and Assembly: That all such persons as now are, or hereafter shall be, engineers of the Fire Department, or firemen, belonging to any of the fire engines of the city of New York, shall be, and hereby are, ordained, constituted and declared to be, and continue until the first Tuesday in April, one thousand eight hundred and eighteen, a body politic, in fact and in name, by the name of "The Fire Department of the city of New York;" and that by that name, they and their successors, for the term aforesaid, shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also, that they and their successors, by the name of the Fire Department of the city of New York, shall be in law capable

Firemen belonging to any of the engines of the city of N. York, declared to be and continue until the year 1818, a body politic, by the name of the "Fire Department of the city of New York."

And capable of holding and conveying any estate not exceeding the sum of twenty thousand dollars. of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation, provided that the amount of the real and personal estate of the said corporation shall not, at any time, exceed the sum of twenty thousand dollars.

Apportionment of representatives to be chosen. *And be it further enacted,* That the engineers belonging to the said Fire Department shall, on or before the first day of December, in every year, choose one representative; each company of eighteen firemen, two representatives; and under eighteen firemen, one representative; who shall have and exercise all such powers as are hereinafter committed to them.

Powers of such representatives. *And be it further enacted.* That the said representatives shall choose, on the second Monday of December, in every year, by ballot, out of their own body, a president and vice-president; and out of the whole body of the firemen, three trustees, a treasurer, secretary and collector; that the first representatives shall be Daniel Hitchcock, Thomas Tom, Nicholas Van Antwerp, James Parsons, junior, William Hardenbrook, Matthias Nack, Samuel Lord, Nicholas Roome, Leonard Rogers, Cornelius Brinckerhoff, Joseph Smith, Israel Havigland, John Pritchett, James Robinson, Robert McCullen, Augustus Wright, William Hunter, Elijah Pinckney, Isaac Hatfield, Garret Debow, Adam Pentz, John Perrin, Adam Hartell, Moses Smith, William Brown, John Lent, John Utt, Uzziah Coddington, jun., Peter Embury, James Van Dyck, Thomas Timpson, Joseph Newton, William Degrove, William Baker, Thomas Demilt, William A. Hardenbrook, Isaac Tirboss, Henry Rogers, John Dominick and Joseph Webb; that Daniel Hitchcock shall be the first president, that Thomas Tom shall be the first vice-president, that Frederick Devoc, Jacob Sherred, James Stewart, John Striker, James Tylee, First representatives named.

Arrangement for first President, Vice President,

Benjamin Strong, Thomas Brown, Stephen Smith, and Christopher Halstead shall be the first trustees; that Nicholas Van Antwerp shall be the first treasurer, and James Parsons, jr., the first secretary, and Martin Morrison the first collector; to hold their respective offices and places until others are appointed in their stead, agreeable to the provisions of this act.

That the said trustees shall class themselves in three classes; number one shall go out of office the first year, number two the second year, and number three the third year; that the said trustees shall manage the affairs, and dispose of the funds of the corporation, according to the by-laws, rules and regulations of the said corporation, from time to time made and established by the said representatives.

Duties of
the Trustees,
President, Treas-
urer, Rep-
resentatives
&c.

That the trustees shall choose a president, who shall have a right to convene them when he thinks proper, at least once a year; that the treasurer shall give security to the trustees for the faithful performance of his trust; and shall, at every annual meeting of the representatives, render them an account of the state of the funds.

That the representatives shall, at their meetings, have a right to inquire into, and control the application of their funds, and to displace any of the trustees and officers, if guilty of malconduct, and elect others in their stead. That a majority of the said representatives, and also of the said trustees, shall respectively be a quorum to do business; that in case of a vacancy in the office of representative, such vacancy shall be filled up by the company from which he is deputed, for the remainder of the year, by a special election, to be held for that purpose; and that in case of a vacancy in the office of president, vice-president, treasurer, secretary, collector, or any of the trustees, such vacancies shall be filled up by the representatives, for

Vacancies
in any of
the offices,
how to be
filled up.

the remainder of the year, by a special election, to be held for that purpose.

Two-thirds
of the Rep-
resenta-
tives to be
a quorum
for busi-
ness.

And be it further enacted, That two-thirds of a quorum of the said representatives shall have full power to make and prescribe such by-laws, rules, ordinances and regulations as to them, from time to time, shall appear needful and proper, touching the management and disposition of their funds, for the purposes aforesaid, and touching the meetings of the said corporation, both special and ordinary, except the second Monday in December, in every year, which is hereby declared to be their annual meeting, and touching the duties and conduct of their officers and trustees, and touching all such other matters as appertain to the business, ends and purposes for which the said corporation is by this act instituted, and for no other purpose whatsoever; provided that such by-laws, rules, ordinances or regulations be not repugnant to the constitution or the laws of the United States, or of this state.

With pro-
viso.

In case of
neglect in
holding
election on
any certain
day, the
corporation
not to be
dissolved.

And be it further enacted, That in case any election shall not be made on any day, when, pursuant to this act, it ought to have been made, the said corporation shall not, on that account, be deemed to be dissolved; but that it shall and may be lawful, on any other day, to hold and make such election, in such manner as shall have been regulated by the by-laws and ordinances of the said corporation.

Funds, how
to be ap-
plied.

And be it further enacted, That the funds of the said corporation which shall arise from chimney fines, certificates and donations, and from such other objects as may have been heretofore or may be hereafter agreed on by the respective fire companies, shall be appropriated to the relief of such indigent or disabled firemen, or their families, as may be interested therein, and who may, in the opinion

FIRE DEPARTMENT.

9

of a majority of the trustees, be worthy of assistance; but if they shall amount to a greater sum than the trustees may think necessary to apply to the said purposes, then the said representatives shall have power to apply such surplus to the purpose of extinguishing fires, under such limitations and restrictions as they may, with the sanction of the Corporation of the city of New York. deem proper.

And be it further enacted, That this act is hereby declared to be a public act; and that the same shall be construed, in all courts and places, benignly and favorably. for every beneficial purpose hereby intended.

Declara-
tion, &c.

36th SESSION.

AN ACT to reduce several Laws, relating particularly to the city of New York, into one act.

PASSED April 9, 1813.

FOR THE MORE EFFECTUAL PREVENTION OF FIRES.

CHAP. 86.

Buildings
to be erect-
ed within
certain lim-
its, to be of
brick and
stone.

1. § 59. *And be it further enacted*, That all dwelling houses, store houses, and other buildings which, from and after the passing of this act, shall be built or erected within the city of New York, (that is to say,) within that part of the said city to the northward of the point of the Battery, and a line beginning upon the East river, opposite Montgomery street: thence, through Montgomery street to Cherry street; thence, down Cherry street to Roosevelt street; thence, through Roosevelt to Chatham street; thence down Chatham street to Chambers street; and thence, through Chambers street to Broadway; thence, up Broadway to Canal street; thence, commencing again at Chambers street, and running to Hudson's river, including, also, the lots of ground on the northerly and easterly sides of the said streets, through which the above-mentioned line runs, and including, also, the lots of ground fronting on both sides of Broadway, between Chambers street and Canal street, shall be made and constructed of stone or brick, with party or fire walls, rising at least six inches above the roof, and shall be covered, except the flat roof

With party
or fire
walls.

Covered
with tile or

thereof, with tile or slate, or other safe materials against fire; and not with board and shingles.

slate, except the flat roof.

Provided such flat do not exceed two-fifths part of such roof; and that there be erected around the same flat, a substantial balcony or balustrade; provided also, that the said provisions and regulations shall not extend or apply to any building whatsoever that shall be erected or built upon any lands, tenements, or hereditaments, whereon there was any building, on the first day of June, in the year of our Lord one thousand eight hundred and twelve, within the limits aforesaid; and northward and eastward of a line beginning upon the East river, in a direct line from the corner of Montgomery and Cherry streets; thence down Cherry street to Pearl street; thence down Pearl street to Beekman street; thence, through Beekman street to Chatham row; thence down Chatham row, and across Broadway to Partition street; thence through Partition street, across Greenwich, Washington and West streets, to Hudson's river, except such buildings as may be built or erected on any lot or lots of ground on the northwardly or eastwardly sides of the said streets, through which the line aforesaid runs, by any lessee or lessees, or other person or persons, possessed of a leasehold estate, or interest of and in such said lands, tenements or hereditaments, for any term of years, whereof not more than two years were, on the first day of June, in the year of our Lord one thousand eight hundred and twelve, unexpired, under or by virtue of any lease or other contract, actually subsisting and in force on the last mentioned day, and wherein there shall not be contained any clause or provision for any allowance or payment to the lessee or lessees, their executors, administrators or assigns, or any of them, at or before, or after the end or expiration of the said term, for or in respect of any building erected or to be erected on

Proviso.

Further proviso.

the said leasehold premises during the said term; but that it shall be lawful for any such lessee or lessees, or person or persons so possessed of a leasehold estate or interest in any lands, tenements, hereditaments or premises within the limits aforesaid, and northwardly and eastwardly of the line aforesaid, except as aforesaid, who shall be so circumstanced in respect to the said leasehold premises, and his, her or their estate and interest therein as aforesaid, to erect and build upon the same leasehold premises, whereof he, she or they shall be so possessed, or upon any part thereof, any building whatsoever, which from the surface or level of the street or ground, to which such building shall adjoin, either in the front or in the rear, to the foot of the rafter, shall be not more than twenty-five feet, with the materials, and in the manner the same may, on the day and year last mentioned, have been lawfully built or erected, any thing in this act contained to the contrary notwithstanding; but any buildings so to be built or erected upon any such leasehold premises, by any such lessee or lessees, or person or persons possessed of any leasehold estate, or interest therein, being so circumstanced as herein aforesaid, which, from the level or surface of the street or ground to which such building shall adjoin, either in the front or the rear, to the foot of the rafter, shall be more than twenty-five feet, shall be made or constructed of stone or brick, with party or fire walls, rising at least six inches above the roof, and shall be covered with tile or slate, or other safe materials against fire, and not with boards and shingles, except the flat roof thereof, such flat roof not to exceed two equal fifth parts of the space of the whole roof, and a substantial balcony or balustrade being erected around the same.

Penalty for
building
contrary to

2. § 60. *And be it further enacted*, That if any dwelling house, store house, or other building whatsoever shall be

erected or roofed contrary to the preceding section of this act, the proprietor or proprietors thereof shall, for every such offence, forfeit and pay the sum of five hundred dollars; and every builder who shall build or roof, or assist in building or roofing such dwelling house, store house, or other building, contrary to the said section, whether he be the proprietor or not, shall, for every such offence, forfeit and pay the sum of two hundred and fifty dollars; to be recovered, with costs of suit, in any court of record within this state, by the treasurer or chamberlain of said city, for the use of the poor thereof; and when recovered, shall be appropriated by the Common Council of the said city, in the same manner as the moneys raised by tax, for the maintenance of the poor of the said city, are by law directed to be applied; and no such action or suit shall be abated or discontinued by the death, resignation, removal from office, or any other change of such treasurer or chamberlain, but shall and may be continued and prosecuted to effect, by his successor in office.

3. § 61. *And be it further enacted,* That all dwelling houses, store houses, and other buildings whatsoever, which, after the passing of this act shall be built or erected within said city, (that is to say,) within the watch and lamp district of the said city, and not included in the fifty-ninth section of this act, and which from the surface or level of the ground to which such building shall adjoin, either in the front or in the rear, to the foot of the rafters, shall be more than thirty feet, or of more than two stories, shall be made or constructed of stone or brick, with party or fire walls, rising at least six inches above the roof, and shall be covered, except the flat roof thereof, with tile or slate, or other safe materials against fire, and not with boards and shingles.

the preceding section.

How recovered and appropriated.

Certain buildings within other limits, to be built of brick or stone, and covered with tile or slate.

Proviso as
to the flat
roof.

Provided such flat do not exceed two equal fifth parts of the space of such roof, and that there be erected around the same a substantial balcony or balustrade.

Penalty for
building
contrary to
the last sec-
tion.

How recov-
ered and ap-
propriated.

4. § 62. *And be it further enacted*, That if any dwelling house, store house or other building whatsoever, shall be erected or roofed contrary to the last preceding section of this act, the proprietor or proprietors thereof shall, for every such offence, forfeit and pay the sum of four hundred dollars; and every builder who shall build, roof, or assist in building or roofing such dwelling house, store house, or other building, contrary to the said last preceding section, whether he be the proprietor or not, shall, for every such offence, forfeit and pay the sum of two hundred dollars, to be recovered, with costs of suit, in any court of record within this state, by the treasurer or chamberlain of the said city, for the use of the poor thereof, and when recovered shall be appropriated by the Common Council of the said city in manner aforesaid; and no such action or suit shall be abated or discontinued by the death, resignation, removal from office, or other change of such treasurer or chamberlain, but shall and may be continued and prosecuted to effect by his successor in office; and the more effectually to prevent the erection of any dwelling house, store house, or other building within the said city, contrary to this act.

Certain
buildings
declared

5. § 63. *Be it further enacted*, That every such store house, dwelling house, or other building, which, after the passing of this act, shall be erected or roofed within the said city, contrary to this act, shall be deemed a common nuisance, and the Justices of the Supreme Court and the Justices of the Court of Oyer and Terminer and gaol delivery, and the Justices of the Court of General Sessions of the Peace, shall, within the said city, have cognizance

of such offences, and are hereby enjoined and required, in all and every of the charges hereafter to be made or given by them to the grand juries in their respective courts, strictly to charge such grand jurors diligently to inquire of, and to present all offences against this act, and the court to which an indictment or presentment shall be preferred for such offence, shall be, and hereby is empowered and enjoined to prosecute such indictment, or cause the same to be prosecuted in the usual manner of prosecution; and, upon conviction, to adjudge such fines and penalties as they, in their discretion, shall think fit and proper; and also, in their discretion, to cause such nuisance to be abated and removed.

Courts to charge, grand jurors to inquire and prevent offences.

And to impose fines, and cause such nuisance to be abated.

6. § 64. *And be it further enacted*, That if any dwelling house, store house, or other building already erected, and now covered with boards or shingles, within the said city, southward and westward of the line last mentioned, shall at any time hereafter require to be new roofed, it shall and may be lawful for the proprietor or proprietors thereof, to roof the same with boards or shingles, or in such other manner as was customary before the passing of this act, any thing herein contained to the contrary notwithstanding.

Buildings, how repaired.

7. § 65. *And be it further enacted*, That all roofs, steeples, cupolas, and spires of churches, and all other public buildings may be covered with boards and shingles; and all privies, not exceeding ten feet square, and fifteen feet in height; and all fire engine houses, of the Corporation, and all lime houses, which shall be erected by the express permission of the Corporation may be built of wood and boards, or brick and stone, and covered with boards and shingles, any thing in this act to the contrary notwithstanding.

Roofs and steeples of churches and certain other buildings, may be built and covered with wood.

Gunpow-
der, how
and where
to be kept.

8. § 66. *And be it further enacted*, That it shall not be lawful for any person or persons to have or keep any quantity of gunpowder, exceeding twenty-eight pounds weight, in any one place, house, store or outhouse, less than one mile to the northward of the City Hall of the said city, except in the public magazine, at the fresh water, which said quantity of twenty-eight pounds shall be separated in four stone jugs, or tin canisters, each of which shall not contain more than seven pounds; and if any person or persons shall keep any greater quantity than twenty-eight pounds in any one place, house, store or outhouse, or if the same gunpowder so permitted to be kept as aforesaid, shall not be separated in the manner herein above directed, he, she or they shall forfeit all such gunpowder so kept contrary to the true intent and meaning of this act, or so permitted to be kept, and which shall not be separated as aforesaid, and shall also forfeit the sum of one hundred and twenty-five dollars for every hundred weight of powder, and in that proportion for a greater or less quantity; to be recovered, with costs of suit, in any court having cognizance thereof, by any person or persons who will sue for the same; provided always, that all actions and suits to be commenced, sued or prosecuted, against any person or persons, for any thing done contrary to this and the two following sections of this act, shall be commenced, sued or prosecuted within two calendar months next after the offence committed, and not at any time hereafter.

Under a
penalty.

Proviso as
to time of
commenc-
ing suit.

And to avoid dangers from gunpowder, laden on board of any ship or vessel arriving from sea,

Command-
ers and
owners of
vessels to
land and

9. § 67. *Be it further enacted*, That the commander, or owner or owners of any ship or other vessel, arriving from sea, and having gunpowder on board. shall, within twenty-

four hours after her arrival in the harbor, and before such ship or other vessel shall be hauled alongside of any wharf, pier, or key within the said city, land the said gunpowder, by means of a boat or boats, or other small craft, at any place on the East river, east of Walnut street, or at any place on the North river, to the northward of the outlet of Lispenard's meadow, which may be most contiguous to any of the magazines, and shall cause the same to be stored in one of the magazines now built or hereafter to be built for that purpose, on pain of forfeiting all such gunpowder to any person or persons who will sue and prosecute for the same to effect, in manner aforesaid.

store gun-
powder
within
twenty-four
hours after
arrival.

Under pen-
alty of for-
feiting the
same.

And to prevent any evil consequences which may arise from the carriage of gunpowder.

10. § 68. *Be it further enacted*, That all gunpowder which shall be carried through the streets of said city, by carts, carriages, or by hand, or otherwise, shall be in tight casks, well headed and hooped, and shall be put into bags, or leather cases, and entirely covered therewith, so that no powder may be spilled or scattered in the passage thereof, on pain of forfeiting all such gunpowder as shall be conveyed through any of the streets aforesaid, in any other manner than is hereby directed; and it shall and may be lawful for any person or persons to seize the same, to his or their use and benefit, and to convey the same to one of the magazines aforesaid, and thereupon to prosecute the person or persons offending against this act, before the Mayor or Recorder, and any two Aldermen of the said city, and such gunpowder, upon conviction, shall be condemned to the use of the person seizing the same.

How gun-
powder is to
be conveyed
through the
streets.

11. § 69. *And be it further enacted*, That it shall and may be lawful for the Mayor or Recorder, or any two Al-

On suspi-
cion of gun-
powder be-

ing conceal-
ed, how
warrant to
issue to
search for
same.

dermen of the said city, upon application being made by any inhabitant or inhabitants of the said city, and upon his or their making oath of reasonable cause of suspicion, of the sufficiency of which the said Mayor or Recorder, or Aldermen is or are to be the judge or judges, to issue his or their warrant or warrants, under his or their hand and seal, or hands and seals, for searching for such gunpowder, in the day time, in any building or place whatsoever, within the limits aforesaid, or in any ship or other vessel, within forty-eight hours after her arrival in the harbor, or at any time after such ship or other vessel shall and may have hauled alongside any wharf, pier, or key, within the limits aforesaid; and that upon any such search it shall be lawful for the person finding any such gunpowder, immediately to seize, and at any time within twelve hours after such seizure, to convey the same to one of the magazines aforesaid: and the same gunpowder, being so removed, to detain and keep until it shall be determined by the Mayor or Recorder, and any two Aldermen of the said city, whether the same is forfeited by virtue of this act, and the person or persons so detaining the same shall not be liable to any action or suit for the detention thereof.

Proviso.

Provided always, that nothing in this clause of this act contained shall be construed to authorize any person having such warrant to take advantage of the same for serving any civil process of any kind whatsoever; provided also, that nothing in this act contained shall extend to ships of war, or packets in the service of the United States, or any of them, or of any foreign prince or state, nor to authorize the searching for gunpowder on board of any such ship or vessel while laying in the stream, and upwards of one hundred yards from the wharf or shore.

Gunpowder
exceeding
28 pounds

12. § 70. *And be it further enacted*, That if any gunpowder, exceeding twenty-eight pounds, shall be found in

the custody of any person, during any fire, or alarm of fire in the said city, by any fireman of the said city, it shall be lawful for him to seize the same, without warrant from the Mayor or Recorder, or Aldermen, and to cause the same to be condemned in manner aforesaid, to his own use; any thing in this act to the contrary notwithstanding.

13. § 71. *And be it further enacted*, That from and after the passing of this act, no greater quantity of sulphur than ten hundred weight, and no greater quantity of hemp and flax than twenty hundred weight, shall be put, stored or kept in any one place in the city of New York, to the southward of the fresh water, in the Sixth Ward, nor to the southward of Rutgers' slip, in the Seventh Ward, other than in such proper place or places as shall be appointed, and approved of by the Mayor, Aldermen and Commonalty of the said city, in Common Council convened, under the penalty of twenty-five dollars for every offence, or refusal to remove the same; to be recovered, with costs of suit, in any court of record within this state, by the treasurer or chamberlain of the said city, to be applied towards the support of the poor of the said city.

Sulphur, hemp and flax to be kept only in places approved of by Common Council.

Penalty.

14. § 72. *And be it further enacted*, That no pitch, tar, turpentine, rosin, spirits of turpentine, linseed oil, or shingles shall be put in any place in the city of New York, to the southward of the fresh water, other than in such places as shall be appointed and approved of by the Mayor, Aldermen and Commonalty of said city, under the penalty of twenty-five dollars for every offence, or refusal to remove the same; to be sued for and recovered, with costs, before any court having cognizance of debts to that amount, by any person who shall sue for the same; and when recovered, to be paid to the chamberlain of the said city, for the use of the poor thereof; provided, however, that it shall be lawful for any of the ship-chandlers in the said

Pitch, tar, turpentine, rosin, etc., to be kept only in places approved by the Common Council.

Penalty.

Proviso.

city to keep in any inclosure within the limits aforesaid, a quantity of pitch, tar, rosin or turpentine, not exceeding, in whole, twenty barrels at any one time.

Penalty for firing guns, &c., in parts of the city.

How recovered and applied.

Masters answerable for offences of slave.

Firemen to be appointed by Common Council.

Their duty.

Firemen exempted from cer-

15. § 73. *And be it further enacted*, That if any person shall fire or discharge any gun or pistol, rocket, cracker, squib, or other fire-work in any street, lane or alley, garden or other inclosure, or from any house, or in any other place where persons frequently walk, to the southward of the fresh water, every such person, for every such offence, shall forfeit and pay two dollars and fifty cents, to be sued for, recovered, and applied as is directed in and by the last preceding section of this act; and in case any such offender be a slave, the owner or possessor of such slave shall be answerable in the same manner as if the act had been done by such owner or possessor.

16. § 74. *And be it further enacted*, That it shall be lawful for the Mayor, Aldermen and Commonalty of said city, in Common Council convened, and they are hereby required, from time to time, and as often as it shall be necessary, to appoint a sufficient number of strong, able, discreet, honest and sober men, willing to accept such appointment, being freeholders or freemen of the said city, to have the care, management, working, and using the fire engines, and the other tools and instruments now provided, or hereafter to be provided, for extinguishing of fires within the said city; which persons so to be appointed shall be called the firemen of the city of New York, and who, with the engineers of the same city, are hereby required to be ready at all times, as well by night as by day, to manage, work and use the same fire engines, and other the tools and implements aforesaid.

17. § 75. *And be it further enacted*, That the persons so to be appointed firemen, and every of them, during their

continuance in that office, and no longer, shall be exempted from serving in the office of constable, and from being impaneled or returned upon any juries or inquests, and of and from militia duty, within the said city, except in cases of invasion or other imminent danger, and the names of all firemen to be appointed by virtue of this act, shall be registered with the Clerk of the Peace of the said city, and his certificate shall be sufficient evidence, in all courts and cases, of such exemption.

tain public
duties.

Their
names to be
registered.

And further, That it shall be lawful for the Mayor, Aldermen and Commonalty of the said city, in Common Council convened, to remove all or any of the firemen now appointed, or to be appointed by virtue of this act, when, and as often as they shall think fit, and to appoint others in their stead.

Removable
by the Com-
mon Coun-
cil.

18. § 76. *And be it further enacted,* That it shall be lawful for the Mayor, Aldermen and Commonalty of the said city, in Common Council convened, to make and ordain such rules and regulations in respect of the government and duty of the persons by them appointed firemen, in the working, managing and frequent exercising, trying and using of the same fire engines, tools and other instruments, and to impose and establish such reasonable fines, penalties and forfeitures upon them, or any of them, for default or neglect of the duties and services thereby to be required from them, as they shall, from time to time, think proper.

Common
Council to
make rules
and regula-
tions for
firemen.

And impose
fines.

19. § 77. *And be it further enacted,* That upon the breaking out of any fire within the said city, the sheriffs, deputy sheriffs, constables and marshals, upon notice thereof, shall immediately repair to the place where such fire shall happen, with their rods, staves and other badges of authority, and be aiding and assisting, as well in the extin-

Duty of
sheriff, dep-
uty sheriffs,
constables
and mar-
shals, in
cases of fire.

guishing of the said fires, and causing the persons attending the same to work, as in preventing any goods or household furniture from being stolen at such fires, and shall seize all persons whom they find stealing or pilfering; and the officers aforesaid shall also give their utmost assistance to the inhabitants in removing and securing their said goods and furniture; and in the execution of the duties required from them by this act, shall be obedient to the orders of the Mayor, Recorder and Aldermen of the said city, or such of them as shall be present at such fires.

Common
Council to
order in-
habitants to
procure fire
buckets.

20. § 78. *And be it further enacted*, That it shall be lawful for the Mayor, Aldermen and Commonalty of the said city, in Common Council convened, by ordinances by them for that purpose to be made, to direct the inhabitants or owners of houses and other buildings in the said city, to furnish themselves with such and so many fire buckets, to be ready in their respective houses and other buildings, for the purpose of extinguishing fires which may happen in the said city, and to impose and establish such reasonable fines, penalties and forfeitures, for every neglect, default or disobedience thereof, as they shall think proper.

And to im-
pose penal-
ties for neg-
lect.

Loss of fire
buckets,
when and
how borne
by the Cor-
poration.

21. § 79. *And be it further enacted*, That in case any person shall lose any bucket at any fire which may happen in the said city, and shall, within sixty days thereafter, make proof thereof before the Mayor, Recorder, or one of the Aldermen of the said city, of the value of such bucket, and that the same was actually lost or destroyed in that service, in such case the Mayor, Aldermen and Commonalty of the said city, in Common Council convened, shall, by warrant, under the hand of the Mayor or Recorder, presiding at such Common Council, directed to the chamberlain of the said city, order the value of such bucket to be

paid to such person so making proof of the loss thereof, out of any moneys remaining in his hands for the contingent expenses arising in the said city; and if any person shall, at any time thereafter, be convicted of having taken a false oath touching the premises, such person shall incur the penalties of wilful and corrupt perjury.

22. § 80. *And be it further enacted*, That if any such buckets so proved to be lost shall afterwards be found, the property thereof shall thenceforward be in the Mayor, Aldermen and Commonalty of the city of New York, unless the owner thereof will take back the same, and return the money allowed and paid for the loss thereof.

Lost buckets to whom to belong when found.

23. § 81. *And be it further enacted*, That when any building or buildings in the city of New York shall be on fire, it shall be lawful for the Mayor, or in his absence the Recorder of the city, with the consent and concurrence of any two of the Aldermen thereof, or for any three of the Aldermen, to direct and order the same, or any other building which they may deem hazardous, and likely to take fire, or to convey the fire to other buildings, to be pulled down or destroyed; and upon the application of any person interested in such building so pulled down or destroyed, to the Mayor or Recorder, or any two Aldermen, it shall be their duty to issue a precept for a jury to inquire of and assess the damages which the owners of such building, and all persons having any estate or interest therein, have respectively sustained by the pulling down or destroying thereof; which precept shall be issued, directed, executed, returned and proceeded upon, and the proceedings thereon shall take effect, as nearly as may be, in such manner as by the 219th section of this act are directed, (and which will be found at the close of this act,) in relation to ground taken for the purposes therein mentioned; and the said inquiry and assessment having been

In case of fire, the Mayor, &c. may order buildings to be pulled down.

Damages sustained thereby, how ascertained.

And to be confirmed by the Mayor's Court, the sums assessed by the said jury shall be paid by the said Mayor, Aldermen and Commonalty, to the respective persons in whose favor the jury shall have assessed the same, in full satisfaction of all demands of such persons respectively, by reason of the pulling down or destroying such building; and the Mayor's Court, before whom any such process shall be returnable, shall have power to compel the attendance of jurors and witnesses upon any such assessment of damages.

Idle and suspicious persons may be removed from fires. 24. § 82. *And be it further enacted*, That during the actual prevalence of any such fire as aforesaid, it shall and may be lawful for the Mayor, Recorder, and each of the Aldermen of the said city, to remove, or cause to be removed and kept away from the vicinity of such fire, all idle and suspicious persons, and all persons not fit to be employed, or not actually and usefully employed, in the judgment of the said Mayor, Recorder or Aldermen, in aiding the extinguishment of such fire, or in the preservation of property in the vicinity thereof.

Damages for pulling down buildings in time of fire, to be borne by Common Council. 25. § 83. *And be it further enacted*, That the sum assessed by such jury as aforesaid, for any building so pulled down or destroyed as aforesaid, (the same assessment and inquiry having been confirmed by the court,) shall, together with the expenses of the proceedings for such assessment, be borne and defrayed by the said Mayor, Aldermen and Commonalty.

Common Council authorized to pass ordinances for the extinguishment and prevention of fires. 26. § 84. *And be it further enacted*, That the Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened, shall, from time to time, and as often as they deem it necessary, have power to pass and provide for the due execution of ordinances, as they may deem proper for the more effectual prevention and extinguishment of fires in the said city, and to compel the attendance of all engineers and firemen, and such other

persons as they may deem necessary to assist at the extinguishment of fires, and to prescribe the duties required of such engineers, firemen and other persons; and also to regulate the keeping, carting, conveying or transporting of gunpowder, or any other combustible or other dangerous material, within the bounds of the said city, and to provide for the forfeiture thereof, if the same shall be kept contrary to such law; and also to regulate the use of lights and candles in livery and other stables within the same city; and also to remove or prevent the construction of any fire-place, hearth, chimney, stove, oven, boiler, kettle or apparatus, used in any manufactory or business, which may be dangerous in causing or promoting fires; and also to direct the construction of deposits for ashes, in safe and suitable places, and of materials secure against fire, and for that purpose to authorize such suitable officer or officers as they may think proper, and at such reasonable times as they shall appoint, to enter into and examine all dwelling houses, lots, yards, inclosures and buildings, of every description, within the said city, to examine and discover whether any danger exists therein; and in order that proper measures may be taken to provide for the safety of the inhabitants of the neighborhood.

The following is section 219, referred to in section 81, relative to the mode of assessment for damages sustained in pulling down or destroying any building or buildings that shall be on fire, or deemed hazardous and likely to take fire, or to convey fire to other buildings.

§ 219. *And be it further enacted*, That it shall be lawful for the Mayor, Aldermen and Commonalty of the said city, in Common Council convened, to lay out wharves and slips in the said city, whenever and wherever they shall deem it expedient; and if in so doing, they shall require for such purposes, the ground of any person, notice there-

Common
Council to
lay out
wharves &
slips when
deemed ex-
pedient.

of shall be given to the owner or parties interested therein, or to his or their agent or legal representative, and the said Common Council shall treat with such persons for the same; and if any such person shall refuse to treat for such ground, it shall be lawful for the Mayor or Recorder, and any two or more Aldermen, by precept, under their hands and seals, to command the sheriff of the city and county of New York to empanel and return a jury, to appear before the Mayor's Court of the said city, at any term thereof, not less than three weeks from the date of such precept, to inquire of and assess the damages and recompense due to the owner or owners of such ground, and at the same time to summon such owner or owners, or his or their agent or legal representative, by notice, to be left at his or their most usual place of abode, to appear before the said court, at the time and place in such precept to be mentioned, which jury, being first duly sworn faithfully and impartially to inquire into, and assess the damage in question, and having viewed the premises, if necessary, shall inquire of and assess such damages and recompense as they shall, under all the circumstances, judge fit to be awarded to the owner or owners of such ground, for their respective losses, according to their several interests and estates therein, and the verdict of such jury and the judgment of said Mayor's Court thereupon, and the payment of the sum or sums of money so awarded and adjudged to the owner or owners thereof, or tender and refusal thereof, shall be conclusive and binding against the said owner and owners, his and their respective heirs, executors, administrators and assigns, claiming any estate or interest of, in or to the same ground, and it shall thereupon be lawful for the said Mayor, Aldermen and Commonalty to cause the same ground to be converted to, and used for the purposes aforesaid.

38th SESSION.

CHAP. 155.

AN ACT for the more effectual prevention of fires in the city of New York.

PASSED April 11, 1815.

§ 1. Be it enacted by the people of the State of New York, represented in Senate and Assembly: That all dwelling houses, store houses, and other buildings, which, from and after the passing of this act, shall be built or erected in the city of New York, that is to say, within that part of the said city to the northward of the point of the Battery, and included between the said point of the Battery and a line beginning upon the East river, opposite Montgomery street; thence through Montgomery street to Cherry street; thence down Cherry street to Catharine street; thence through Catharine street to Chatham street; thence down Chatham street to Pearl street; thence through Pearl street to Broadway; thence up Broadway to Anthony street; thence, through Anthony street to Hudson street; thence down Hudson street to Jay street; and thence through Jay street to Hudson river; including, also, the lots of ground on the northerly and easterly sides of the said streets through which the above-mentioned line runs; and including, also, the lots of ground fronting on both sides of the Broadway, between Pearl street and Canal street, shall be made and constructed of stone or brick, with party or fire walls, rising

Buildings,
how to be
erected in
certain
parts of the
city.

at least six inches above the roof; and shall be covered, except the flat roof thereof, with tile or slate, or other safe materials against fire, and not with boards or shingles; provided such flat do not exceed two-fifth parts of such roof, and that there be erected around the same flat a substantial balcony or balustrade.

Proviso.

(This first section was subsequently repealed by the act of April 9, 1823.)

Penalty for building contrary to this act.

§ 2. *And be it further enacted*, That if any dwelling house, store house, or other building whatsoever, shall be erected or roofed contrary to the preceding section of this act, the proprietor or proprietors thereof shall, for every such offence, forfeit and pay the sum of five hundred dollars; and every builder who shall build or roof, or assist in building or roofing such dwelling house, store house, or other building, contrary to the said section, whether he be proprietor or not, shall, for every such offence, forfeit and pay the sum of two hundred and fifty dollars; to be recovered, with costs of suit, in any court of record within this state, by the treasurer or chamberlain of the said city for the use of the poor thereof, and when recovered, shall be appropriated, by the Common Council of the said city in the same manner as the moneys raised by tax for the maintenance of the poor of the said city are by law directed to be applied; and no such action or suit shall be abated or discontinued by the death, resignation, removal from office, or other change of such treasurer or chamberlain, but shall and may be continued and prosecuted to effect, by his successor in office.

Buildings erected after passing this act, between cer-

§ 3. *And be it further enacted*, That all dwelling houses, store houses, and other buildings whatsoever, which, after the passing of this act, shall be built or erected within th

said city, that is to say, within that part of the said city, situate between the above-mentioned line and a line beginning at the North river, at a place called Dekleyne's ferry, a little to the northward of the State Prison, and running thence, easterly, in front of the new banking houses, to the road, commonly called the Sandy Hill road; and through the said road to the northward of the Potter's field and the house of William Neilson, to the Bowery; and across the Bowery, to a street commonly called Stuyvesant street, and through the middle thereof, to the East river; (and which shall not be included within the first section of this act,) and which, from the surface or level of the street or ground to which such building shall adjoin, either in the front or in the rear, to the foot of the rafter, shall be more than thirty feet, or of more than two stories, shall be made or constructed of stone or brick, with party or fire walls, rising at least six inches above the roof, and shall be covered, except the flat roof thereof, with tile or slate, or other safe materials against fire, and not with boards or shingles; provided such flat do not exceed two equal fifth parts of the space of such roof, and that there be erected around the same a substantial balcony or balustrade.

tain bounds
&c., shall
not be in-
cluded in
the first
section.

Extended
by the act
of May 1st,
1839.

Proviso.

§ 4. *And be it further enacted*, That if any dwelling house, store house, or other building whatsoever, shall be erected or roofed, contrary to the last preceding section of this act, the proprietor or proprietors thereof shall, for every such offence, forfeit and pay the sum of four hundred dollars; and every builder who shall build or roof, or assist in building or roofing such dwelling house, store house, or other building, contrary to the last preceding section, whether he be the proprietor or not, shall, for every such offence, forfeit and pay the sum of two hundred dollars; to

Buildings
erected con-
trary to the
last section,
proprietors
shall forfeit
four hun-
dred dol-
lars.

be recovered, with costs of suit, in any court of record within this state, by the treasurer or chamberlain of the said city, for the use of the poor thereof; and when recovered, shall be appropriated, by the Common Council of the said city, in the manner aforesaid; and no such action or suit shall be abated or discontinued by the death, resignation, removal from office, or other change of such treasurer or chamberlain, but shall and may be continued and prosecuted to effect by his successor.

And the more effectually to prevent the erection of any dwelling house, store house, or other building within the said city, contrary to this act,

Buildings
erected con-
trary to this
act, deemed
nuisances.

§ 5. *And be it further enacted*, That every such dwelling house, store house, or other building, which, after the passing of this act, shall be erected or roofed within the said city, contrary to this act, shall be deemed a common nuisance; and the Justices of the Supreme Court, and the Justices of the Court of Oyer and Terminer and General Jail Delivery, and the Justices of the Courts of General Sessions of the Peace, shall, within the said city, have cognizance of such offences, and are hereby enjoined and required, in all and every of the charges hereafter to be made and given by them to the grand juries in their respective courts, strictly to charge such grand jurors diligently to inquire into, and to prevent all offences against this act; and the court to which an indictment or presentment shall be preferred for such offence, shall be, and hereby is empowered and enjoined to prosecute such indictment, or cause the same to be prosecuted, in the usual manner of prosecutions; and upon conviction, to adjudge such fines and penalties as they, in their discretion, shall think fit and proper; and also, in their discretion, to cause such nuisance to be abated and removed.

§ 6. *And be it further enacted,* That if any dwelling house, store house, or other building already erected, and now covered with boards or shingles, within the said city, southward and westward of the line last mentioned, shall, at any time hereafter, require to be new roofed, it shall and may be lawful for the proprietor to roof the same with boards or shingles, or in such other manner as was customary before the passing of this act; any thing herein contained to the contrary notwithstanding.

Certain
buildings
may be
roofed with
shingles.

§ 7. *And be it further enacted,* That all roofs, steeples, cupolas, and spires of churches, and other public buildings, may be covered with boards and shingles; and all privies, not exceeding ten feet square, and fifteen feet in height; and all fire engine houses of the Corporation; and all lime houses, which shall be erected by the express permission of the Corporation, may be built of wood and boards, and covered with boards or shingles; any thing in this act to the contrary notwithstanding.

Steeple
and cupolas
&c.

§ 8. *And be it further enacted.* That the fifty-ninth, sixtieth, sixty-first, sixty-second, sixty-third, sixty-fourth and sixty-fifth sections of the act entitled "An act to reduce several laws relating particularly to the city of New York in one act," passed April 9, 1813, be, and the same hereby are repealed; provided, however, that such repeal shall not affect any suit or prosecution commenced, or penalty or offence incurred or committed previous to the passing of this act, but every such suit or prosecution may lawfully proceed, and every such penalty or offence be demanded, prosecuted, recovered or punished, as the case may be, as if the said sections of the said act had remained in full force.

Part of a
former law
repealed.

Proviso.

39th SESSION.

CHAP. 104.

AN ACT granting privileges to the Firemen of the city of New York.

PASSED April 12. 1816.

Firemen
exempted,
after a cer-
tain term.

§ 1. Be it enacted by the People of the State of New York, represented in Senate and Assembly: That every person, who on the first day of May next, shall have been a fireman of the city of New York during twenty years, and who shall serve as such one year thereafter; and every person who, on the first day of May next, shall have been such fireman during fifteen years, and who shall serve as such three years thereafter; and every person who, on the first day of May next, shall have been such fireman twelve years, and who shall serve as such four years thereafter; and every person who, on the first day of May next, shall have been such fireman ten years, and who shall serve as such five years thereafter; and every person who, on the first day of May next, shall have been such fireman eight years, and shall serve as such six years thereafter; and every person who, on the first day of May next, shall have been such fireman six years, and who shall serve as such seven years thereafter; and every person who, on the first day of May next, shall have been such fireman four years, and shall serve as such eight years thereafter; and every person who, on the first day of May next shall have been such fireman two years, and shall serve as such nine years

thereafter; and every person who may become a fireman after the first day of May, and shall serve as such ten years thereafter, shall be forever after such services exempted from serving as a juror, in any of the courts of this state, and from all militia duty, except in case where the militia are ordered into actual service.

(The first section was repealed by the act of 4th April, 1829.)

§ 2. *And be it further enacted*, That certificates of the time that such persons as aforesaid have served as firemen, signed by the Clerk of the Common Council of the said city, and by the Chief Engineer, shall be sufficient evidence thereof.

Certificates
to be signed
by the
Clerk of the
Common
Council and
Chief Engi-
neer.

And be it further enacted, That the Fire Department of the city of New York, and their successors, shall continue to be a body corporate and politic, in fact and in name, until the first day of May, in the year of our Lord one thousand eight hundred and thirty-eight, with all the rights, powers and privileges, and subject to all the provisions, restrictions, limitations and conditions mentioned and contained in the act entitled "An act to incorporate the firemen of the city of New York."

Fire De-
partment
continued
as a body
corporate.

40th SESSION.

FIRE DEPARTMENT.

CHAP. 59.

AN ACT *concerning the Fire Department of the city of New York.*

PASSED February 28, 1817.

Firemen
members of
Fire De-
partment.

§ 1. Be it enacted by the People of the State of New York, represented in Senate and Assembly: That all persons who now are, or hereafter may be, appointed firemen by the Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened, shall, while they continue such firemen, be, and they are hereby declared to be, members of the Fire Department of the city of New York.

Fines, how
recovered.

§ 2. *And be it further enacted*, That the fines and penalties imposed by so much of the law, passed 9th of April, 1813, entitled "An act to reduce several laws, relating particularly to the city of New York, into one act," as relates to the more effectual prevention of fires, shall and may be recovered, with costs of suit, in any court of record within this state, by the Fire Department of the city of New York, for their own use.

(Repealed by the act of 15th of January, 1819.)

Firemen
maimed on
duty, how
provided
for.

§ 3. *And be it further enacted*, That any fireman of the city of New York, who shall, while in the performance of his duty as such, so maim or injure himself as to render him thereafter unable to perform the said duties of fireman, or who shall have so maimed himself since the fifth

of May last, shall be, and hereby is entitled to the benefit of the law passed the 12th of April 1816, entitled "An act granting privileges to the firemen of the city of New York," and fixing the time of their service; provided, however, that he shall not receive the certificate granting him the privileges of that act, until the expiration of the time he would have been compelled to serve if he had not been so maimed or injured, in order to obtain such certificate. Proviso.

§ 4. *And be it further enacted*, That when any doubt exists, in the mind of the Chief Engineer, as to the claim of any fireman to the privileges of the foregoing section, it shall be his business to examine into such claim, and his decision shall be final. Chief Engineer to decide claims.

The 38th section of the act passed by the Legislature, April 21, 1818, entitled "An act to organize the Militia," reads as follows : * * * "And be it further enacted, that no non-commissioned officer or private, belonging to any company of cavalry, artillery, grenadiers, riflemen or light infantry, shall be permitted, hereafter, to leave the troop or company to which he belongs, to engage to serve as a fireman in any fire company, in any city or county, which is now raised, or hereafter to be raised, or to leave such troop or company and enlist in any other, without the written consent of the captain or commandant of the troop or company to which he belongs, except in cases of removal from and out of the beat of such troop or company; and it shall be the duty of the officers commanding any uniformed company, who, by law, are exempted from serving on juries, to return as a delinquent every non-commissioned officer and private who shall not appear on parade in the complete uniform of his corps; and for each offence he shall be liable to pay a fine not exceeding five dollars. Privates not allowed to become firemen, except, &c.

42d SESSION.

CHAP. 6.

AN ACT to amend "*An act concerning the Fire Department of the city of New York;*" passed February 28th, 1817.

PASSED January 15, 1819.

Whereas, The reference in the second section of the above-mentioned act is to the act of 1813, instead of the act entitled "An act for the more effectual prevention of fires in the city of New York," passed April 11th, 1815; therefore,

Fines, how
recovered.

§ 1. Be it enacted by the People of the State of New York, represented in Senate and Assembly: That the fines and penalties imposed by so much of the law passed April 11th, 1815, entitled "An act for the more effectual prevention of fires in the city of New York," as relates to the more effectual prevention of fires, shall and may be recovered, with costs of suit, in any court of record within this state, by the Fire Department of the city of New York, for their own use, and that the second section of the act hereby amended, be, and the same is hereby repealed.

43d SESSION.

CHAP. 131.

*AN ACT relating to the Fire Department in the city of
New York.*

PASSED April 1, 1820.

§ 1. Be it enacted by the People of the State of New York, represented in Senate and Assembly: That the fines and penalties imposed by so much of the law passed the ninth of April, in the year one thousand eight hundred and thirteen, entitled "An act to reduce several laws, relating particularly to the city of New York, into one act," as relates to the more effectual prevention of fires, shall and may be recovered, with costs of suit, in any court of record within this state, by the Fire Department of the city of New York, for their own use.

Fines recoverable,
with costs.

45th SESSION.

CHAP. 203.

AN ACT *in addition to the Act for the more effectual prevention of fires in the city of New York.*

PASSED April 12, 1822.

Buildings
fronting on
Harman
street, &c.,
to be built
of brick or
stone.

Proviso.

Said provi-
sions not to
apply in ca-
ses of lease-
hold es-
tates.

§ 1. Be it enacted by the People of the State of New York, represented in Senate and Assembly: That all dwelling houses, store houses, and other buildings, which from and after the passing of this act, shall be built or erected fronting on Harman street, and on that part of Clinton street which lies between Harman street and Cherry street, and also within that part of the said city which lies between Harman street and Cherry street, and between Clinton street and Catharine street, shall be made or constructed of stone or brick, with party or fire walls, rising at least six inches above the roof, and shall be covered, except the flat roof thereof, with tile or slate, or other safe materials against fire, and not with boards or shingles; provided such flat do not exceed two fifth parts of such roof, and that there be erected around the same flat, a substantial balcony or balustrade.

§ 2. *And be it further enacted,* That the said provisions and regulations shall not extend or apply to any building whatsoever, that shall be erected or built upon any lands, tenements or hereditaments, fronting upon the said streets, or within the said limits, by any lessee or lessees, or other

person or persons possessed of a leasehold estate, or interest of and in such lands, tenements or hereditaments, for any term of years, whereof not more than twenty years shall be unexpired at the passage of this act; provided, Proviso. nevertheless, that every such lot of land so being under any such lease, shall not be exempted from the operation of this act any longer than until such lease shall have expired.

§ 3. *And be it further enacted,* That if any dwelling house, store house, or other building whatsoever, shall be erected or roofed contrary to the preceding section, the proprietor or proprietors thereof shall, for every such offence, forfeit and pay the sum of five hundred dollars; and every builder who shall build or roof, or assist in building or roofing such dwelling house, store house or other building, contrary to the said section, whether he be proprietor or not, shall, for every such offence, forfeit and pay the sum of two hundred and fifty dollars; to be recovered, with costs of suit, in any court of record within this state, by the Fire Department of the city of New York, in their own name, and for their own use. Penalties.

§ 4. *And be it further enacted,* That every such dwelling house, store house, or other building, which, after the passing of this act, shall be erected or roofed within the fire limits of said city, contrary to this act, shall be deemed a common nuisance; and the Justices of the Supreme Court, and the Justices of the Courts of Oyer and Terminer and General Jail Delivery, and the Justices of the Courts of General Sessions of the Peace, shall, within the said city, have cognizance of such offences; and the court to which an indictment or presentment shall be preferred for such offence, shall be, and hereby is empowered and enjoined to prosecute such indictment, or cause the same Buildings erected contrary to this act, to be deemed common nuisances.

to be prosecuted, in the usual manner of prosecutions, and upon conviction, to adjudge such fines and penalties as they, in their discretion, shall think fit and proper; and also, in their discretion, to cause such nuisance to be abated and removed.

As to buildings already erected.

§ 5. *And be it further enacted*, That if any dwelling house, store house, or other building already erected, and now covered with boards and shingles, fronting on the said streets, or within the said limits, shall, at any time hereafter, require to be roofed, it shall and may be lawful for the proprietor to roof the same with boards or shingles, or in such other manner as was customary before the passing of this act; any thing herein contained to the contrary notwithstanding.

Public buildings, &c., may be covered with boards or shingles.

§ 6. *And be it further enacted*, That all roofs, steeples, cupolas and spires of churches and other public buildings, may be covered with boards and shingles, and all privies not exceeding ten feet square and fifteen feet in height, and all fire engine houses of the Corporation, and all lime houses, which shall be erected by the express permission of the Corporation, may be built of wood or boards, and covered with boards or shingles; any thing in this act to the contrary notwithstanding.

46th SESSION.

CHAP. 122.

AN ACT *to amend an act entitled "An act for the more effectual prevention of fires in the city of New York," passed April 11, 1815.*

PASSED April 9, 1823.

§ 1. Be it enacted by the People of the State of New York, represented in Senate and Assembly: That all dwelling houses, store houses, and other buildings, which, from and after the passing of this act, shall be built or erected in the city of New York, that is to say, within that part of the city to the northward of the point of the Battery, and included between the said point of the Battery and a line beginning upon the East river, opposite Montgomery street, to Cherry street; thence down Cherry street, to Catharine street; thence through Catharine street, to Chatham street; thence down Chatham street, to Pearl street; thence through Pearl street, to Elm street; thence through Elm street, to Canal street; thence through Canal street, to Broadway; thence up Broadway to Art street; thence commencing again at Canal street, and running to Hudson's river; including all lots of ground to the depth of one hundred feet, on the northerly and easterly sides of said streets, through which the above-mentioned line runs, excepting as hereinafter excepted; and including, also, the lots of ground, to the depth of one hundred feet, fronting on both sides of Broadway, between

Certain
buildings
required to
be fire-proof

Canal street and Art street; excepting, however, the lots on the easterly side of Elm street, shall be made and constructed of stone and brick, with party or fire walls, rising at least six inches above the roof, and shall be covered, except the flat roof thereof, with tile or slate, or other safe materials against fire, and not with boards or shingles; provided such flat do not exceed two fifth parts of such roof, and that there be erected around the same flat a substantial balcony or balustrade.

Proviso.

A certain
section re-
pealed.

§ 2. *And be it further enacted*, That the first section of the act hereby amended, be, and the same is hereby repealed, and that all the other provisions and penalties in the said act shall have the same force and effect, to all intents and purposes, which they would have had provided the provisions of this act had been incorporated with, and made part of the act hereby amended, at the time the same was passed; provided, however, that the repeal of the said section shall not in any wise affect any suit or prosecution commenced, or penalty or offence incurred or committed previous to the passing of this act; but every such suit or prosecution may lawfully proceed, and every such penalty or offence be demanded, prosecuted, recovered or punished, as the case may be, as if the said section of the said act had remained in full force; nor shall any thing herein contained in anywise affect the provisions of the act entitled "An act in addition to the act for the more effectual prevention of fires in the city of New York," passed April 12, 1822.

Proviso.

The sixty-first section of chap. 244 of the forty-sixth session, being "An act to organize the Militia," passed April 23, 1823, contains the following clause:

Militia not
permitted
to engage
as firemen.

And be it further enacted, That no non-commissioned officer, musician or private, belonging to any company of

cavalry, artillery, grenadiers, riflemen, or light infantry, shall be permitted, hereafter, to leave the troop or company to which he belongs, to engage to serve as a fireman in any fire company, in any city or county, which is now raised, or hereafter to be raised.

47th SESSION.

CHAP. 34.

AN ACT *allowing testimony in certain cases relating to the
Fire Department in the city of New York.*

PASSED February 6, 1824.

Competen-
cy of wit-
nesses in
certain ca-
ses.

§ 1. Be it enacted by the People of the State of New York, represented in Senate and Assembly: That in any action, suit or other proceeding which now is, or hereafter may be instituted, commenced or prosecuted, for the recovery or collection of any fine, penalty or forfeiture, imposed by any existing or future law of this state, or by any existing or future law or ordinance of the Mayor, Aldermen and Commonalty of the city of New York, and appropriated to the use of the Fire Department of the city of New York, or of any of the fire companies in said city, it shall be no objection to the competency of any witness in any such action, suit, or other proceeding, for the recovery or collection of any such fine, penalty or forfeiture, so imposed and appropriated to the use of the Fire Department of the said city, or of any of the fire companies in said city, that he, the said witness, is or has been a fireman of said city, or a member of the said Fire Department, or is or may become entitled to the benefit of the Fire Department Fund of the city of New York.

50th SESSION.

CHAP. 93.

AN ACT *in addition to the act entitled "An act in addition to the act for the more effectual prevention of fires in the city of New York," passed April 12, 1822.*

PASSED March 21, 1827.

§ 1. Be it enacted by the People of the State of New York, represented in Senate and Assembly: That all dwelling houses, store houses, and other buildings, which, from and after the first of August next, shall be built or erected without the limits prescribed in and by the act entitled "An act to amend the act entitled an act for the more effectual prevention of fires in the city of New York," passed April 9th, 1823, and to the west and south of the limits following, that is to say: beginning at a point in the centre of the Bowery and Chatham street, where it is intersected by a line drawn through the centre of Catharine street, and running thence up the Bowery, to Grand street; thence through Grand street, to Broadway; comprehending, also, and including the lots, to the depth of one hundred feet, on each side of the streets through which the same line runs, shall be made and constructed of stone or brick, with party or fire walls, rising at least six inches above the roof, and shall be covered, except the flat roof thereof, with tile or slate, or other safe materials against fire, and not with boards and shingles; provided such flat do not exceed two fifth parts of such roof, and that there be erected around the same flat a substantial balcony or balustrade.

Materials
for building
in certain
districts,
prescribed.

Proviso.

Certain
penalties.

§ 2. *And be it further enacted*, That all the provisions and penalties in the said act entitled "An act in addition to the act for the more effectual prevention of fires in the city of New York," passed April 12th, 1822, shall have the same force and effect, to all intents and purposes, with respect to the district embraced in this act, which they would have had, provided the provisions of that act had been incorporated and made a part of this act.

52d SESSION.

CHAP. 100.

AN ACT to amend an act entitled "*An act granting privileges to the firemen of the city of New York.*"

PASSED April 4, 1829.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Every person who, on the first day of February, in the year of our Lord one thousand eight hundred and twenty-nine, had been a fireman of the city of New York, during seven, eight or nine years, and who shall serve as such one year thereafter; and every person who, on the said first day of February, had been such fireman for six years, or a less period of time, and who shall serve as such for so long a time thereafter as shall make the whole term of his services eight years; and every person who may have become such fireman after the said first day of February, and who shall serve as such for seven years, shall be forever, after such service, exempted from serving as a juror in any of the courts of this state, and from all militia duty, except in cases where the militia are ordered into actual service.

What term
of service,
except in
certain ca-
ses.

§ 2. The first section of the act hereby amended is repealed.

52d SESSION.

FIRE LIMITS EXTENDED.

CHAP. 34.

1. BUILDINGS WITHIN CERTAIN LIMITS TO BE OF STONE OR BRICK.
2. ACT OF APRIL 11, 1815, EXTENDED.
3. FIRE LIMITS DEFINED.

AN ACT *further to extend the act, passed April 11th, 1815, entitled "An act for the more effectual prevention of fires in the city of New York."*

PASSED May 1, 1829.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Building, how to be erected within certain limits. § 1. All dwelling houses, store houses, and other buildings, which, from and after the first day of May next, shall be built or erected without the limits prescribed in and by the act entitled "An act in addition to the act for the more effectual prevention of fires in the city of New York," passed April 12th, 1822, and to the west and south of the limits following, that is to say: beginning upon the East river, opposite Gouverneur street, and running thence through Gouverneur street, to Division street; and thence through Division street, to Catharine street; including, also, the lots, to the depth of one hundred feet, on each side of Gouverneur street, and on the south side of Division street, through which the said line runs, (or so much of said lots on Division street, as are not embraced in the

provisions of any existing law for the prevention of fires in the said city; also, all dwelling houses, store houses, and other buildings, which, from and after the first day of May next, shall be built or erected without the limits prescribed in and by the act passed April 9, 1823, entitled "An act for the more effectual prevention of fires in the city of New York," passed April 11, 1815, and to the west and south of the limits following, that is to say: beginning upon the North or Hudson's river, opposite Spring street, and running thence through Spring street, to Broadway; and thence through Broadway, to Canal street; including, also, the lots of ground, to the depth of one hundred feet, on the northerly side of Spring street, between Broadway and the North or Hudson's river; and also all dwelling houses, store houses, and other buildings, which, from and after the first day of May next, shall be built or erected without the limits prescribed in and by the act passed March 21, 1827, entitled "An act in addition to the act entitled an act in addition to the act for the more effectual prevention of fires in the city of New York," passed April 12th, 1822; and to the west and south of the limits following, that is to say: beginning at a point in the centre of the Bowery, where it is intersected by Grand street, and running thence through the Bowery, to Houston street; and thence through Houston street, to Broadway; including, also, the lots of ground, to the depth of one hundred feet, on each side of those parts of the Bowery and Houston street, through which the said line runs, shall be made and constructed of stone or brick, with party or fire walls, rising at least six inches above the roof, and shall be covered, except the flat roof thereof, with tile or slate, or other safe material against fire, and not with boards and shingles: provided such flat roof do not exceed two fifth

Of stone or
brick.

Proviso.

parts of such roof, and that there be erected around the same flat a substantial balcony or balustrade.

§ 2. All the provisions and penalties in the said act entitled "An act for the more effectual prevention of fires in the city of New York," passed April 11, 1815, shall have the same force and effect, to all intents and purposes, with respect to the districts embraced in the first section of this act, which they would have had if the provisions of that act had been incorporated with and made part of this act.

53d SESSION.

AN ACT to amend the acts heretofore passed for the prevention of fires in the city of New York.

PASSED April 20, 1830.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. The outside and party walls of all dwelling houses, store houses, and other buildings, hereafter to be erected or built within the fire limits of the city of New York, as the same now exist, or may hereafter be extended, shall be constructed of stone or brick. ^{Buildings to be of stone or brick.}

§ 2. The outside and party walls of such buildings shall not be less than eight inches thick, except flues of chimneys, in any part thereof; and the party or end walls of such buildings shall rise and be extended to the roof, and so far through the same as to meet and be joined to the slate, tile, or other covering thereof, by a layer of mortar or cement. ^{Outside and party walls.}

§ 3. The planking or sheeting of the roof of any such building shall, in no case, be extended across the party or end walls thereof; and all such buildings, and to the top and sides of all dormer windows therein, shall be roofed or covered with tile, slate, or other fire proof material. ^{Roof.}

§ 4. All beams and other timbers in the party walls of such buildings shall be separated from each other, at least four inches, by brick or mortar; and all plate picces in the ^{Timbers.}

front and rear walls thereof, shall recede from the outside of the walls at least four inches; and such wall shall be built up and extended to the slate, or other fire proof covering of the roof.

Chimneys. § 5. All discharging or arch pieces used in the chimneys of any such buildings, shall recede from any flue in any such chimney at least four inches; no such chimney shall be started or built upon the floor of the building, or be cut off, to be supported below by wood; and all hearths shall be supported with arches of stone or brick.

Front and rear walls. § 6. No timber shall be used in the front or rear of any building within such fire limits, where stone is now commonly used; each lintel on the inside of the front or rear wall of every such building shall have a secure brick arch over it; and no bond timber in any wall thereof shall in width and thickness exceed the width and thickness of a course of brick; and such bond timbers shall be laid at least eighteen inches apart from each other, on either side of any wall respectively.

Gutters. § 7. All wooden gutters of any such building, over thirty feet in height from the level of the side-walk to the foot of the rafters, shall be lined or covered, on the upper surface thereof, with copper, zinc, or other fire proof material.

Scuttles. § 8. All scuttles on any such building shall be made or covered with copper, zinc, iron, or other fire proof material; and all window shutters and doors in the rear of any such building, (if such building be over thirty feet in height, as aforesaid,) which shall be used as a warehouse, or store house, for goods, shall be made of iron or copper.

Plate pieces § 9. All plate pieces in any such building as is described or mentioned in the first section of this act, shall be firmly

secured with iron anchors; and the cornice of every such building shall be hung in iron anchors.

§ 10. The anchors so to be used at each end of any such cornice, shall be at least four feet long, including an angle of at least one foot, and shall be worked or built into the side or end walls of the building; and such anchors, used for supporting the centre of the cornice, shall run down the front of the building on the inner side, and shall be firmly secured to the front beam. Anchors.

§ 11. Every building of more than thirty feet in height, from the level of the side-walk to the foot of the rafters, which shall hereafter be erected or built to the southward of a line distant one hundred feet northward of the northerly side of Fourteenth street, shall be subject to all the provisions of this act. Buildings subject to provision of this act.

§ 12. Every building within the fire limits, as the same now exist, or may hereafter be extended, which may hereafter be damaged by fire, to an amount equal to two-thirds of the whole value thereof, after the lapse of at least fifteen years from the time of its first erection, shall be repaired or rebuilt according to the provisions of this act. Buildings damaged, how repaired.

§ 13. The amount or extent of such damage may be determined by three indifferent persons residing in the said city; one of whom shall be appointed by the owner or owners of the building, another by the Fire Wardens of the ward in which such building is situated, and the third by the two persons so appointed; and the decision, in writing, of such three persons, or of any two of them, shall be final and conclusive, in all cases where such mode of determining the extent of any such damage shall have been agreed upon. Damages.

§ 14. All roofs, steeples, cupolas and spires of churches Roofs of

steeples, on- and other public buildings, (where such public building
poles, &c. shall stand at least ten feet distant from any and every
other building,) may be covered with boards or shingles.

Public § 15. Public buildings, as mentioned in the last preced-
buildings. ing section, are hereby defined to be such buildings as
shall be owned or occupied, for public purposes, by this
State, the United States, or the Corporation of the city of
New York, or the Public School Society.

Privies. § 16. All privies, not exceeding ten feet square and fif-
teen feet in height, and all fire engine houses belonging to
the Corporation of the said city, and all lime and ferry
houses which shall be erected with the express permission
of the said Corporation, may be built and covered with
wood, boards or shingles.

Penalty. § 17. The owner or owners of any building who shall
violate any of the foregoing provisions of this act, shall,
for every such offence, forfeit and pay the sum of five hun-
dred dollars; and every builder who shall be employed,
or assist in so doing, whether he be an owner of such build-
ing or not, shall, for every such offence, forfeit and pay
the additional sum of two hundred and fifty dollars.

Certain § 18. The foregoing provisions of this act shall not ap-
buildings exempt ply to any building heretofore erected by any lessee or
from provi- lessees, or other persons possessed of a leasehold interest
sions of act. in any lands, tenements or hereditaments, and which, by
any express exception, in any law heretofore passed, rela-
tive to the prevention of fires in the city of New York,
would be exempt from the provisions of such law.

Ash holes. § 19. All ash holes or ash houses within the said city
shall be built of stone or brick, without the use of wood
in any part thereof.

§ 20. No wooden shed exceeding twelve feet in height, ^{Wooden sheds.} at the peak or highest part thereof, shall be erected within the fire limits of the said city, as the same now exist or may hereafter be extended.

§ 21. No wooden building shall be raised, enlarged, or ^{Wooden buildings.} built upon, or removed from one lot to any other lot within such fire limits, as the same now exist or may hereafter be extended.

§ 22. The owner or owners of any ash house or ash hole, ^{Penalty.} wooden shed or wooden building, who shall violate any of the provisions of the nineteenth, twentieth or twenty-first sections of this act, and every master builder who may be employed or assist therein, shall, for every such offence, severally forfeit and pay the sum of two hundred and fifty dollars; and such owner or owners shall forfeit and pay the additional sum of fifty dollars for every twenty-four hours during which such ash house or hole, wooden shed or wooden building shall remain in violation of any such provision, after due notice shall have been given to remove the same.

§ 23. Every house, shed, or other building, of any description whatsoever, herein before-mentioned, which shall ^{Common nuisance.} hereafter be erected, built, roofed, repaired, altered, enlarged, built upon or removed, contrary to any of the foregoing provisions of this act, shall be deemed a common nuisance.

§ 24. It shall not be lawful for any person or persons ^{Gunpowder} to have or keep any quantity of gunpowder, exceeding twenty-eight pounds in weight, in any one house, store, building or other place in the city of New York, to the southward of a line running through the centre of Fourteenth street, from the North to the East river; or to lade,

receive, have or keep any greater quantity of gunpowder than as aforesaid, on board of any ship, vessel, boat or other water craft whatever, within three hundred yards from any wharf, pier or slip, in that part of the city lying southward of the same line.

How to be kept.

§ 25. All gunpowder which may be kept in the said city, or on board of any ship, vessel, boat or other water craft, to the southward of the line mentioned in the last section, shall be kept in stone jugs or tin canisters, which shall not contain more than seven pounds each.

Penalty.

§ 26. If any person or persons shall have or keep any gunpowder in the city of New York, or on board of any ship, vessel, boat or water craft, to the southward of the said line, in any manner contrary to the foregoing provisions of this act, either as to quantity or as to the manner of keeping the same, he, she or they shall forfeit and pay the sum of one hundred and twenty-five dollars for every hundred pounds of gunpowder so had or kept, and in that proportion for a greater or less quantity; and all such gunpowder shall be forfeited to the Fire Department of the said city.

Powder to be landed from vessels.

§ 27. The commander or owner or owners of every ship or other vessel arriving in the harbor of New York, and having more than twenty-eight pounds of gunpowder on board, shall, within forty-eight hours after such arrival, and before such ship or vessel shall approach within three hundred yards of any wharf, pier or slip to the southward of a line drawn through the centre of Fourteenth street, as aforesaid, cause the said gunpowder to be landed, by means of a boat or boats, or other small craft, at any place without the said limits, which may be most contiguous to any magazine for storing gunpowder, and shall cause the said gunpowder to be stored in such magazine, on pain of

forfeiting the same to the Fire Department of the city of New York.

§ 28. It shall be lawful to proceed with any such ship or vessel to sea, within forty-eight hours after her arrival, or to tranship such gunpowder from one ship or vessel to another, for the purpose of immediate exportation, without landing such gunpowder, as in the last section is directed; but in neither case shall it be lawful to keep such gunpowder for a longer time than forty-eight hours in the harbor of New York, or to approach with the same within three hundred yards of any wharf, pier or slip in the said city, to the southward of the line specified in the last section, on pain of forfeiture, as therein mentioned.

§ 29. All gunpowder which shall be conveyed or carried through any of the streets of the city of New York, in any cart, carriage, wagon, wheelbarrow, or otherwise, shall be secured in tight casks or kegs, well headed and hooped, each of which shall be put into and entirely covered with a leather bag or case, sufficient to prevent any such gunpowder from being spilled or scattered; and all gunpowder which shall be conveyed or carried through any of the said streets, in any other manner than as above directed, shall be forfeited to the Fire Department of the said city.

§ 30. In every case of a violation of any provision of this act, where the penalty prescribed thereby, for such violation, is the forfeiture of any gunpowder to the said Fire Department, it shall be lawful for any Fire Warden of the said city to seize such gunpowder, in the daytime, and to cause the same to be conveyed to any magazine used for the purpose of storing gunpowder.

§ 31. It shall be the duty of every person who shall make any such seizure, forthwith to inform the Mayor or

Tranship-
ment of
powder.

How to be
carried
through the
streets.

Where to
be stored
when for-
feited.

Notice to be
given of
seizure.

Recorder, and any two Aldermen of the said city thereof; and the said Mayor, or Recorder and Aldermen shall thereupon inquire into the facts and circumstances of such alleged violation and seizure; for which purpose they may summon any person or persons to testify before them, and they shall have power, in their discretion, to order any gunpowder so seized to be restored.

Search war-
rant may
be issued in
certain ca-
ses.

§ 32. Whenever any inhabitant of the said city shall make oath, before the Mayor or Recorder, or any two Aldermen, or any two special justices thereof, of any fact or circumstance which, in the opinion of the said Mayor, Recorder, Aldermen or special justices, shall afford a reasonable cause of suspicion that any gunpowder has been brought or is kept within the said city, or in the harbor thereof, contrary to any provision contained in this act, it shall be lawful for the said Mayor, Recorder, Aldermen or special justices to issue his or their warrant or warrants, under his or their hand and seals, to any sheriff, marshal, constable, or fit person or persons, commanding him or them to search for such gunpowder, in the daytime, wheresoever the same be in violation of this act, and to seize and take possession of the same, if found; but no person having or acting under any such search-warrant, shall take advantage thereof to serve any civil process whatever.

And seizure
made.

§ 33. It shall be lawful for any person or persons who, by virtue of any such warrant, shall have seized any gunpowder, to cause the same, within twelve hours, in the daytime, after such seizure, to be conveyed to any magazine used for storing gunpowder, unless the said Mayor or Recorder, or any two Aldermen of the said city, should, in the manner directed by the thirty-first section of this act, order the same to be restored; such gunpowder shall be detained in such magazine, until it shall be determined,

by due course of law, whether the same may have become forfeited by virtue of this act.

§ 34. All actions or suits for the recovery of any gunpowder which may have been seized and stored in any magazine, by virtue of this act, or for the value thereof, or for damage sustained by the seizure or detention thereof, shall be brought against the Fire Department of the city of New York, and shall be commenced within three calendar months next after such seizure shall have been actually made; and in case no such action or suit shall have been commenced within such period, such gunpowder shall be deemed absolutely forfeited to the said Fire Department, and may be immediately delivered to the proper officers thereof, for its use. No penal damages shall be recovered in any such action or suit, and such gunpowder may, at any time during the pendency of any such action or suit, by consent of the parties thereto, be removed from any magazine where the same may have been stored; or may be sold, and the moneys arising from such sale may be paid into the court where such suit or action may be pending, to abide the event thereof.

Actions to recover powder, how and when to be brought.

§ 35. Nothing contained in this act shall be construed to apply to any ship or vessel of war in the service of the United States, or of any foreign government, while lying distant three hundred yards or upwards from the wharves, piers or slips of the said city.

This act not to apply to ships of war.

§ 36. If any gunpowder, exceeding twenty-eight pounds in quantity, shall be found in the possession or custody of any person, by any fireman of the said city, during any fire or alarm of fire therein, it shall be lawful for such fireman to seize the same without any warrant, and to report such seizure, without delay, to the Mayor or Recorder of the said city; and it shall be determined by the Mayor or

Seizure of powder during any fire.

Recorder, or any two Aldermen of the said city, in the manner directed by the thirty-first section of this act, whether such gunpowder should be restored, or the same shall be conveyed to a magazine for storing gunpowder, and there detained, until it be decided by the course of law, whether such gunpowder be forfeited by virtue of this act.

Sulphur, &c., in what quantities to be kept. § 37. No quantity of sulphur more than ten hundred weight; or of hemp or flax, than twenty hundred weight; or of pitch, tar, turpentine, rosin, spirits of turpentine, varnish, linseed oil, oil of vitriol, aqua fortis, ether or shingles, than shall be allowed by the Common Council of the city of New York, shall be put, kept or stored in any one place in the said city, to the southward of a line drawn through the centre of Fourteenth street, unless with the permission of the said Common Council.

Penalty. § 38. Every person who shall violate either of the provisions of the last section, shall, for every such offence, forfeit and pay the sum of twenty-five dollars; and in case any such person or persons shall neglect or refuse to remove any of the articles prohibited by the said section, within such time as may be allowed for that purpose by the Mayor or Recorder, or any two Aldermen of the said city, he, she or they shall, for every such neglect or refusal, forfeit and pay an additional sum of twenty-five dollars.

Pitch, tar, &c. § 39. Nothing herein before contained, shall be construed to prohibit any ship-chandler from keeping, at any time, in any inclosure in the said city, any quantity of pitch, tar, rosin or turpentine, not exceeding twenty barrels in the whole.

Suits to recover penalties. § 40. All pecuniary penalties imposed by this act may be sued for and recovered, with costs of suit, in any court having cognizance thereof, by the proper officers of the

Fire Department of the said city, for the use of the said Fire Department.

§ 41. All actions for any forfeiture or penalty incurred under this act, shall be commenced within one year next after the time of incurring such forfeiture or penalty. ^{To be brought in one year.}

§ 42. All laws or parts of laws heretofore passed, inconsistent with the provisions of this act, are hereby declared to be repealed, but such repeal shall not affect any suit or prosecution already commenced, or any penalty, forfeiture or offence already incurred or committed. under any such law or part of a law. ^{Repeal.}

54th SESSION.

CHAP. 139.

AN ACT to extend the charter of the firemen of the city of New York.

PASSED April 16, 1831.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Incorporation of the Fire Department. § 1. The act entitled "An act to incorporate the firemen of the city of New York," passed March the 20th, 1798, and all acts and parts of acts relating to the said Corporation, and which are now in force, shall be continued in force until the first day of May, one thousand eight hundred and sixty, unless sooner altered, modified or repealed by the Legislature.

Power to hold property. § 2. The said Corporation shall have power to purchase, hold and convey any estate, real or personal, for the use and objects for which the said Corporation was instituted; but such real or personal estate shall not exceed the sum of fifty thousand dollars.

54th SESSION.

CHAP. 212.

AN ACT to extend the fire limits in the city of New York.

PASSED April 21, 1831.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. All dwelling houses, store houses, and other buildings, which, after the first day of July next, shall be built or erected in the city of New York, without the fire limits of the said city, as the same may have been defined or extended by any act or acts heretofore passed, and within the following boundaries, that is to say:

Dwellings
how con-
structed
without fire
limits.

1. Beginning on the East river, opposite Rivington street, and running thence through Rivington street to the Bowery; thence through the Bowery to Division street; thence through Division street to Gouverneur street; thence through Gouverneur street to the East river; and thence along the East river to the place of beginning; including all the lots, to the depth of one hundred feet, on the northerly side of such part of the Bowery as are comprised in the foregoing description.

2. Beginning at the intersection of Broadway and Spring street, and running thence through Spring street to a line drawn one hundred feet distant, westerly, from the westerly side of Greene street and parallel thereto; thence through Amity street to the Sixth avenue;

thence along said line to Amity street; through the Sixth avenue to Eighth street; thence through Eighth street to a line drawn two hundred feet distant, westerly, from the westerly side of Broadway, and parallel thereto; thence along the last mentioned line to the centre of Tenth street; thence along a line parallel to the Bloomingdale road, and two hundred feet distant, westerly, from the westerly side thereof to Fourteenth street; thence through Fourteenth street to the Bowery; thence through the Bowery to Houston street; thence through Houston street to Broadway; and thence through Broadway to the place of beginning; and including all the lots, to the depth of one hundred feet, on the southerly side of such part of Amity street, and on the northerly side of such part of Eighth street as are mentioned in the foregoing description; and,

3. Beginning at the intersection of the Bowery and Fourteenth street; and running thence through Fourteenth street, to the First avenue; thence through the First avenue, to North street; thence through North street, to the Bowery; and thence through the Bowery, to Fourteenth street, at the place of beginning; and including all the lots, to the depth of one hundred feet, on the northerly side of such part of Fourteenth street, the easterly side of such part of the First avenue, and the southernmost part of such side of North street, as are mentioned in the foregoing description, shall be deemed to be within the fire limits of the said city; and shall be subject to all the provisions of the act for the more effectual prevention of fires in the city of New York, passed April 11th, 1815, and of the several acts to amend, or in addition to the same.

56th SESSION.

AN ACT to extend the fire limits in the city of New York.

PASSED April 30, 1833.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. All dwelling houses, store houses, and other buildings, which, after the first day of August next, shall be built or erected in the city of New York, without the fire limits of the said city, as the same may have been defined or extended by any act or acts heretofore passed, and within the following boundaries, that is to say: beginning on Orchard street, at a point distant one hundred feet, northerly, from the northerly line of Rivington street, and running thence, northerly, through Orchard street to North street; thence, westerly, through North street to a line drawn one hundred feet distant, easterly, from the easterly side of the First avenue, and parallel thereto; thence, northerly, along the said line to Second street; thence, easterly, through Second street to North street; thence, still easterly, through North street to the easterly side of Lewis street; thence, southerly, along the easterly side of Lewis street to a line drawn one hundred feet distant, northerly, from the northerly side of Rivington street, and parallel thereto; and thence, westerly, along the said line to the place of beginning, shall be deemed to be within the fire limits of the said city, and shall be subject to all the provisions of the act for the more effectual prevention of fires in the city of New York, passed April 11, 1815, and of the several acts to amend, or in addition to the same.

Fire limits
extended.

Boundaries.

57th SESSION.

CHAP. 156.

AN ACT to extend the fire limits of the city of New York.

PASSED April 23, 1834.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Dwellings,
&c., how to
be erected
hereafter.

§ 1. All dwelling houses, store houses, and other buildings, which, after the first day of August next, shall be built or erected in the city of New York, without the fire limits of the said city, as the same have been defined or extended by any act or acts heretofore passed, and within the following line or boundary, that is to say: beginning at a point in the centre of Goerck street, distant one hundred feet, northerly, from the northerly side of Rivington street; and running thence, northerly, through the Centre of Goerck street to the centre of Third street; thence, westerly, through the centre of Third street to the centre of Lewis street; thence, northerly, through the centre of Lewis street to the centre of Eighth street; thence, westerly, through the centre of Eighth street to the centre of Avenue D; thence, northerly, through the centre of Avenue D to the centre of Tenth street; thence, westerly, through the centre of Tenth street to the centre of Avenue C; thence, northerly, through the centre of Avenue C to a line distant one hundred feet, northerly, from the northerly side of Fourteenth street; thence, westerly, and parallel with Fourteenth street to a line distant one hun-

FIRE DEPARTMENT.

dred feet, easterly, from the easterly side of Second avenue; thence, northerly, and parallel with the Second avenue to a line distant one hundred feet, northerly, from the northerly side of Twenty-first street; thence, westerly, and parallel with Twenty-first street, to a line distant one hundred feet, westerly, from the westerly side of the Sixth avenue; thence, southerly, and parallel with the Sixth avenue, to a line distant one hundred feet, northerly, from the northerly side of Fourteenth street; thence, westerly, and parallel with Fourteenth street to the centre of the Ninth avenue; thence, southerly, through the centre of the Ninth avenue to the centre of Greenwich street; thence, still southerly, through the centre of Greenwich street, to the Centre of Bethune street; thence, westerly, through the centre of Bethune street to the centre of Washington street; thence, southerly, through the centre of Washington street to the centre of Hamersley street; and thence, westerly, through the centre of Hamersley street to the Hudson river, shall be deemed to be within the fire limits of the said city, and shall be subject to all the provisions of the act for the more effectual prevention of fires in the city of New York, passed April 11, 1815, and of the several acts amending, modifying, or in addition to the same.

SESSION LAWS, 1834.

CHAP. 220.

AN ACT to amend and modify the acts now in force for the prevention of fires in the city of New York.

PASSED April 30, 1834.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Party walls § 1. The outside and party walls of all dwelling houses, store houses, and other buildings, hereafter to be erected or built within the fire limits of the city of New York, as the same now exist and may hereafter be extended, which shall exceed thirty feet in height, from the level of the side-walk to the foot of the rafter, shall not be less than twelve inches thick.

Chimnies. § 2. No chimney, in any building now built, or hereafter to be built in the said city, shall be started or built upon the floor of the building, or be cut off, to be supported by any manner of wood.

**Gutters or
cornices.** § 3. All wooden gutters or cornices of any such building, shall be firmly secured by irons, which shall not be more than seven feet and a half apart from each other, in any case. And for all such gutters, not exceeding twelve inches in width, the said irons shall be at least two inches wide, and an half of an inch thick; and for all such gutters exceeding twelve inches in width, the said irons shall be at least two inches and a half wide and five-eighths of an inch

thick. The said irons, except those at the end of the cornice or gutter, shall be fastened or secured to the floor beam, and the end irons shall be fastened, with nuts and screws, to the plate irons.

§ 4. All plate irons shall be built into the end or party walls, and the iron anchors used to secure plate pieces shall be at least two inches wide by an half of an inch thick. The anchors so to be used at each end of any such plate piece shall be at least four feet long, and shall be worked or built into the side or end walls of the building, and the end of said anchor shall turn down not less than four inches.

§ 5. All scuttle frames and doors on any such building shall be made or covered with copper, zinc, iron, or other fire proof material; and all windows and entrances in the rear of any such building, above the first story, over thirty feet in height, as aforesaid, which shall be used for any other purpose than that of a dwelling house, shall have shutters and doors to be made of iron or copper.

§ 6. No wooden shed shall be erected or permitted within the fire limits of the said city, as aforesaid, unless one whole side of the same be left entirely and constantly open in addition to its not exceeding twelve feet in height at the peak or highest part thereof.

§ 7. No wooden building shall be raised, enlarged, or built upon within the said fire limits, otherwise than by putting dormer windows, not to exceed two in number, thereon; and no such dormer window shall exceed five feet in width.

§ 8. Every penalty or forfeiture which may be incurred by the owner or builder of any building, either under the seventh section or the twenty-second section of the act

entitled "An act to amend the acts heretofore passed for the prevention of fires in the city of New York," passed April 20th, 1830, shall be a lien upon such building until the same shall have been satisfied, notwithstanding any sale or conveyance thereof, before judgment may have been obtained for such penalty or forfeiture.

Repeal. § 9. All such parts of the second, fifth, eighth, ninth, tenth, twentieth and twenty-first sections of the above-mentioned act, or of any other section thereof, as may be contrary to or inconsistent with the provisions of this act, but not otherwise, are hereby repealed; and the thirty-first section of said act, is also hereby repealed.

**Act when
to take ef-
fect.**

§ 10. This act shall not take effect until the first day of August next, or operate upon dwelling houses which shall be built under contracts entered into previously to the passage of this act; and the Common Council shall publish this act, once a week, in every paper employed by them, from the passage thereof until that day.

58th SESSION.

AN ACT *extending further privileges to the firemen of the
respective cities within this state.*

PASSED May 8, 1835.

*The People of the State of New York, represented in Senate
and Assembly, do enact as follows:*

§ 1. The firemen of the different cities within this state, <sup>in case of
removal to
another
city.</sup> in case of removal from one city to another, shall be allowed the time which they may have served as such firemen in the city they left, in the city to which they have removed, upon producing a certificate of such service, signed by the Chief Engineer of the city so left, and being reappointed a fireman in the city to which they have removed.

§ 2. When every such fireman shall have served as such <sup>Term of
service.</sup> for so long a time thereafter as shall make the whole term of service the same as required by law of firemen residing in the city removed to, they shall be entitled to all the privileges and exemptions now secured by law to the firemen of the cities of Albany and New York.

61st SESSION.

AN ACT to authorize the appointment of Commissioners to investigate the causes of fires in the city of New York.

PASSED April 6, 1838.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

One or more commissioners to be appointed.

§ 1. It shall be lawful for the Common Council of the city of New York to appoint one or more Commissioners, not to exceed three in number, to investigate the causes of fires in the city of New York, who shall hold their offices during the pleasure of the said Common Council, and shall receive such compensation as the Mayor, Aldermen and Commonalty shall by ordinance direct.

Their duty.

§ 2. It shall be the duty of such Commissioner or Commissioners to inquire into and investigate the causes of all fires which may occur in the city of New York, as soon as may be after they occur, and to keep a record of their proceedings, and of the evidence in each case, and to file the same, or a copy thereof, in the office of the Clerk of the Common Council of the said city.

Persons may be summoned to testify on oath.

§ 3. It shall be lawful for the Mayor, Aldermen and Commonalty of the city of New York, to summon and compel the attendance of any person being in the city of New York, before the said Commissioner or Commissioners, to testify upon oath concerning any fire in said city, under such penalty for non-attendance or refusal to testify,

as the said Mayor, Aldermen and Commonalty shall by ordinance provide and direct; and the said Commissioner or Commissioners are hereby authorized to administer such oath.

§ 4. Nothing in this act contained shall be construed as compelling the said Mayor, Aldermen and Commonalty, or the said Common Council, to exercise the powers conferred by this act, except at such time and for such period or periods as they, in their discretion, shall deem proper; and no such Commissioners shall be appointed until one or more of the insurance companies in the said city shall agree to pay to the said Commissioners such sum or sums as the said Common Council shall fix for their compensation, and all expenses attending and consequent thereupon.

Common
Council,
when to act.

§ 5. The proceedings of said Commissioners shall at all times be public, as those of the courts of justice of this state.

Proceed-
ings to be
public.

64th SESSION.

AN ACT to amend the act to incorporate the firemen of the city of New York, passed 20th day of March, 1798.

PASSED March 1, 1841, by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Exempt
firemen eli-
gible to of-
fice in Fire
Depart-
ment.

§ 1. All persons who shall have served as firemen in the city of New York, "the full time required by law to exempt them from serving as a juror in any of the courts of this state, and from all militia duty, except in case where the militia are ordered into actual service," are hereby declared to be eligible to the office of president, vice-president, secretary, treasurer, collector or trustee of the New York Fire Department.

Vacancy,
how filled

§ 2. In case of a vacancy in the office of president, vice-president, secretary, treasurer, collector or any of the trustees, such vacancy shall be filled up by the representatives, for the remainder of the term, by a special election to be held for that purpose.

§ 3. Such parts of the act hereby amended as conflicts with this act are repealed.

§ 4. This act shall take effect immediately.

67th SESSION. .

CHAP. 315.

*AN ACT for the establishment and regulation of the Police
of the city of New York.*

PASSED May 7, 1844, by a two-third vote.

*The People of the State of New York, represented in Senate
and Assembly, do enact as follows:*

* * * * *

§ 11. At any alarm of fire, it shall be the duty of the Captain of Patrol nearest the scene of conflagration, forth-<sup>In case of
alarm of
fire.</sup> with to proceed to the same, with one half of the number of policemen off duty, to be diligent in preserving order and protecting property. In case of any riot, or any other sudden emergency, requiring the services of the police, on notice being given, the Captain of Police shall, forthwith, proceed to the scene of riot, with the whole police off duty, or any part thereof, and be vigilant in repressing the same.

The remaining sections relate exclusively to the police.

69th SESSION.

CHAP. 303.

AN ACT to amend an act entitled "*An act for the establishment and regulation of the Police of the city of New York,*" passed May 7, 1844.

PASSED May 13, 1846.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

ARTICLE I.

OF POLICE.

Office of
Fire War-
den abol-
ished.

§ 1. The Watch Department, as at present organized, is hereby abolished, together with the office of Marshals, Street Inspectors, Health Wardens, Fire Wardens, Dock Masters, day Police officers, Sunday officers, inspectors of pawnbrokers and junk shops, and of the officers to attend the polls at the several election districts of the city and county of New York, and Superintendent of Roads of the Twelfth Ward of said city; except the office of Mayor's or First Marshal.

The remaining sections relate exclusively to the police.

70th SESSION.

CHAP. 369.

AN ACT to amend an act entitled "*An act granting privileges to the Firemen of the city of New York, passed April 4, 1829.*"

PASSED November 16, 1847.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Every person who, on the first day of January, one thousand eight hundred and forty-eight, shall have served as a fireman of the city of New York during five years, and who shall serve as such one year thereafter, and every person who, on the said first day of January, one thousand eight hundred and forty-eight, shall have served four years, or a less period of time, and who shall serve as such for so long a time thereafter as shall make the whole term of his service six years; and every person who shall serve as a fireman of the city of New York, after the first day of January, one thousand eight hundred and forty-eight, for the period of five years, shall be, forever after such service, exempted from serving as a juror in any of the courts of this state, and from all militia duty, except in cases where the militia are ordered into actual service.

Time of
service of
firemen.

§ 2. The first section of the act amended is hereby repealed.

Repeal.

71st SESSION.

CHAP. 100.

AN ACT *in relation to firemen in the several cities and villages of the state.*

PASSED March 18, 1848.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Privileges
of firemen.

§ 1. The firemen now or hereafter to be regularly enrolled and recognized by the constituted authorities of the several cities and villages of this state, shall be exempt during the time of their service, and after having served five years, consecutively, shall, forever thereafter, be exempted

Exempt
from jury.

from service on any jury, and also from serving in the militia, except in cases of invasion or insurrection.

§ 2. This act shall take effect immediately.

71st SESSION,

CHAP. 188.

AN ACT to amend an act entitled "*An act in relation to firemen in the several cities and villages of this state,*" passed March 18, 1848.

PASSED April 5, 1848.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Every person who, on the first day of May next shall have been a fireman in any of the cities or villages of this state for the term of four, five or six years, and who shall serve as such one year thereafter; and every person who, on the first day of May next, shall have been such fireman for a less period of time than four years, and who shall serve as such for so long a time thereafter as shall make the whole term of his service five years; and every person who may become such fireman after the passage of this act, and shall serve as such for five years thereafter shall, during and forever after such service, be exempted from serving as a juror in any of the courts of this state, and from militia duty, except in cases of insurrection or invasion. Privileges of firemen.

§ 2. The act entitled "*An act in relation to firemen in the several cities and villages of this state,*" passed March 18, 1848, is hereby repealed. Repeal.

§ 3. This act shall take effect immediately.

72d SESSION.

CHAP. 84.

AN ACT *for the more effectual prevention of fires in the city of New York, and to amend the acts heretofore passed for that purpose.*

PASSED March 7, 1849.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Fire limits.

§ 1. The fire limits of the city of New York are hereby extended, so as to embrace all of said city situate to the southward of a line drawn one hundred feet north of Thirty-second street, extending from the East to the Hudson river.

Buildings
erected to
be fire-proof

§ 2. All dwelling houses, stores, store houses, and all other buildings, which, from and after the passage of this act, shall be built or erected in the said city, that is to say: within all that part of the said city situate to the southward of said line, drawn one hundred feet north of Thirty-second street, shall be made and constructed as hereinafter provided, of stone or brick, or other fire proof materials, and shall be constructed with party or outside walls.

Party or
outside
walls.

§ 3. The outside and party walls of all dwelling houses, stores, store houses, and other buildings hereafter to be erected or built within the fire limits of the said city, as the same are extended by this act, or may hereafter be

extended, shall be constructed of stone or brick; and every such dwelling house, store, or store house, shall have at least two side or end walls, (in addition to the front and rear walls,) whether such side or end walls be outside or party walls.

§ 4. Every such dwelling house, store, or store house, being more than thirty feet in width, shall be erected and built with an additional wall, or partition walls, of stone or brick, not less than eight inches thick, running from front to rear, so that the walls of such dwelling house, store, or store house, (except the front and rear walls,) shall not be distant from each other more than thirty feet, and all such partition walls which shall exceed thirty-five feet in height from the level of the side-walk to the peak or highest point thereof, shall not be less than twelve inches thick.

Provision
respecting
houses
more than
thirty feet
wide.

§ 5. The outside and party walls of all dwelling houses, stores, store houses, and other buildings hereafter to be erected or built within the fire limits of the city of New York, as the same are extended as aforesaid, or hereafter may be extended, shall not be less than eight inches thick; and all such walls, which shall exceed thirty-five feet in height, from the level of the side-walk to the peak or highest point thereof, shall not be less than twelve inches thick.

Thickness
of walls.

§ 6. All discharging or arch pieces used in the chimneys of any such dwelling house, store house, or other building, shall recede from any flue in every such chimney at least four inches; and no such chimney shall be started or built upon the floor or beams of such dwelling house, store, store house, or other building, but shall be started at the foundation of such dwelling house, store, store

Discharg-
ing or arch
pieces in
chimneys.

house, or other building; and all hearths shall be supported by arches of stone or brick, and no chimney in any dwelling house, store, or store house, or other building now erected, or hereafter to be erected within the fire limits, as the same are extended by this act, or may hereafter be extended, shall be cut off, to be supported below in any manner whatever.

! Wooden
gutters or
cornices. § 7. All wooden gutters of any such dwelling house, store, store house, or other building, so to be built or erected as aforesaid, shall be firmly secured by irons, which shall not be more than seven and one half feet from each other, and on all such gutters, not exceeding twelve inches in width, the said irons shall be at least two inches in width and half an inch thick; and on all such gutters, exceeding twelve inches in width, the said irons shall be at least two and a half inches in width and five eighths of an inch thick; and the said irons, except those at the end of the cornice or gutter, shall be fastened to the floor or roof beams, and the end irons shall be constructed so as to fasten in the side or end walls.

Plate irons. § 8. All plate irons shall be built into the side, end or party walls; and the iron anchors, used to secure the plate pieces, shall be at least two inches wide and half an inch thick; the anchors to be used at each end of every such plate piece shall be worked or built into the side, end or party wall of the building, and the ends of such anchors shall turn down at least four inches.

Scuttle
frames and
doors. § 9. All scuttle frames and doors on every such dwelling house, store, store house, or other building so to be built or erected as aforesaid, shall be made of, or covered with, copper, zinc, tin or iron, and every window or entrance above the first story, in the rear of every such store, store house, or other building, used for any purpose

other than that of a dwelling, over thirty feet in height, from the level of the side-walk, shall have shutters and doors thereon, made of iron or copper.

§ 10. The planking or sheathing of the roof of every such dwelling house, store, store house, or other building so to be erected or built as aforesaid, shall, in no case, be extended across the party, side or end walls thereof; and every such dwelling house, store, store house, or other building, and the top and side of dormer windows thereon, shall be looped and covered with slate, tin, iron, copper or zinc.

Planking or
sheathing
of roofs.

§ 11. All beams and other timbers in the party or other walls of every such dwelling house, store, store house, or other building hereafter to be built or erected as aforesaid, shall be separated from the beam or timber entering in the opposite side of the wall, at least four inches, (measuring from the nearest points of the beams or timbers,) by solid mason work; and all plate pieces in the front or rear walls thereof shall recede from the outside of the wall at least four inches, and such end, side, party or partition walls shall be built up and extended at least twelve inches above the plank or roofing, and shall be coping of stone or iron.

Beams or
other tim-
bers.

§ 12. No timber shall be used in the front or rear wall of any dwelling house, store, store house, or other building so to be built or erected, as aforesaid, where stone, brick or iron is commonly used; each lintel on the side of the front or rear wall shall have a secure brick arch over it, and no bond timber in any wall thereof shall, in width and thickness, exceed the width and thickness of a course of brick; and no bond timber shall be more than three feet in length; and such bond timbers shall be laid at least eighteen inches apart from each other, longitudinally, on either

Restriction

side of any wall; and the continuous line thereof shall be broken every three feet, by inserting a brick of eight inches; and no front or rear or other wall, of any such dwelling house, store, store house, or other building now erected or hereafter to be erected, or built as aforesaid, or as they may hereafter be extended, shall be cut off or altered below, to be supported in any manner, in whole or in part, by wood, but shall be wholly supported by brick, stone or iron; and no wood or timber shall be used between such wall and such supporters.

Gutters to
lined with
copper, &c.

§ 13. All wooden gutters of every dwelling house, store, store house, or other building hereafter to be erected or built within the fire limits, as extended as aforesaid, or as the same may be hereafter extended, shall be lined and covered, on the upper surface thereof, with copper, zinc, tin or iron.

New roof-
ing.

§ 14. If any brick front, frame or wooden dwelling house already erected within the fire limits, as the same are extended by this act, or may hereafter be extended, shall require new roofing, it shall and may be lawful for the proprietor or proprietors thereof to raise the same for the purpose of making a flat roof thereon; provided that such new roofing shall be made of copper, slate, tin, zinc or iron; and also, provided that such dwelling house, when so raised, shall not exceed thirty-five feet in height, from the level of the side-walk to the peak or highest point thereof.

Steeple,
cupolas,
and spires.

§ 15. All steeples, cupolas and spires of churches, or other public buildings, may be covered with boards or shingles; and churches and said other public buildings, shall be excepted from the operation of so much of the ninth section of this act as relates to iron and copper shutters.

§ 16. Public buildings mentioned in preceding sections, are hereby defined to be such buildings as shall be owned and occupied for public purposes by this State, the United States, the Corporation of the city of New York, or the Public School Society. Public buildings defined.

§ 17. All privies, not exceeding ten feet square and fifteen in height, and all fire engine houses, belonging to the Corporation of the said city, and all ferry houses which shall be erected with the express permission of the said Corporation, may be built and covered with wood, board or shingles. Privies and ferry houses.

§ 18. All ash holes or ash houses within the said city, shall be built of stone or brick, without the use of wood in any part thereof. Ash holes and houses.

§ 19. No wooden shed shall be erected or permitted within the fire limits of the said city, as the same are extended as aforesaid, or may hereafter be extended, unless one whole side of the same shall be left entirely and constantly open, in addition to its not exceeding twelve feet in height at the peak, or at the highest part thereof. Sheds.

§ 20. No wooden or frame building whatever, whether the same may have a brick front or otherwise, within the fire limits, as extended as aforesaid, or as the same may hereafter be extended, shall be raised, enlarged or built upon, or removed from one lot to another within the fire limits of the said city, as the same are extended as aforesaid, or may hereafter be extended; provided, however, that brick front, frame dwelling houses, and wooden dwelling houses, only, may be raised under the circumstances, and in the manner specially provided for in the fourteenth section of this act. Wooden or frame buildings.

§ 21. Every wooden building, or frame building with a brick front, or otherwise, within the fire limits of the said Provision in case of damage by fire.

city, as the same are extended as aforesaid, or may hereafter be extended, which may hereafter be damaged by fire to an amount not greater than the two-thirds of the value thereof, exclusive of the foundation, before such fire, may be repaired or rebuilt, pursuant to the provisions of the twenty-second section of this act; but if such damage shall amount to more than two-thirds of such value, exclusive of the foundation, then such building shall not be repaired or rebuilt, but shall be taken down and removed.

Amount of
damage to
be deter-
mined.

§ 22. The amount or extent of such damage by fire, mentioned in the foregoing section of this act, shall be determined by two disinterested persons residing in the said city, one of whom shall be appointed by the owner or owners of such building, and the other by the Board of Assistant Engineers of the Fire Department of the said city; and in case such two persons disagree, they are to select a third disinterested person, and the decision, in writing, of any two of them, shall be final and conclusive in the premises; and such building shall not be repaired or rebuilt until after the appointment of such persons as aforesaid, nor until after their decision shall be made, in writing, as aforesaid, finding that such damage does not exceed two-thirds of the value of such building, as it existed before such fire, exclusive of the foundation.

Altering
raising or
enlarging
buildings.

§ 23. No brick or stone dwelling house, store, store house, or other building, now erected or hereafter to be erected, within the fire limits, as extended as aforesaid, or as they may hereafter be extended, shall be altered, raised, enlarged or built upon, in such manner that such dwelling house, store, store house, or other building, were it wholly built or constructed after the passage of this act, would be in violation of any of the provisions of this act.

Penalty for

§ 24. The owner or owners of any dwelling house, store,

store house, or any other building, or of any frame building, with or without a brick front, or of any wooden building, or of any ash house, ash hole, or wooden shed, who shall violate any provisions of this act, and every master builder or master carpenter who may be employed or assist therein, shall, for every such violation, respectively forfeit and pay the sum of five hundred dollars; and such owner or owners shall forfeit and pay, in addition thereto, the sum of fifty dollars for every twenty-four hours such violation shall remain after notice to remove the same shall have been given; such notice may be signed by any of the Trustees or Assistant Engineers of the Fire Department of the city of New York; such notice may be given by leaving the same at the residence or place of business of such owner or owners, or builder or carpenter, or by serving the same personally, or by serving the same in the manner provided for by and in the twenty-ninth section of this act; and such additional penalty shall be computed and recovered up to the time of the trial of any suit for the recovery thereof; and in case such violation shall continue after the trial of such suit, for such continuing additional penalty, computing from the time of such trial, may be recovered in any other suit or suits to be brought by the Fire Department of the city of New York for that purpose.

§ 25. All pecuniary penalties imposed by this act may be sued for and recovered, with costs of suit, in any court of record within this state, by the Fire Department of the city of New York, in their own name and for their own use.

Penalties,
how to be
recovered.

§ 26. Every dwelling house, store, store house, ash hole, ash house, shed, or other building of any description whatever, herein before-mentioned, which shall hereafter be erected, built, roofed, repaired, altered, enlarged, built upon, or removed, contrary to any of the foregoing provisions of this act, shall be deemed a common nuisance, and the Jus-

Buildings,
&c., erected
contrary to
this act, to
be deemed
nuisances.

tices of the Supreme Court, and the Justices of the Court of Oyer and Terminer and General Goal Delivery, and the Justices of the Court of General Sessions of the Peace within said city, shall have cognizance of such offences; and the court, to which an indictment or presentment shall be preferred for such offence, shall be, and hereby is, empowered and enjoined to prosecute such indictment, or cause the same to be prosecuted, in the usual manner of prosecutions, and upon conviction, to adjudge such fines and penalties as they, in their discretion, shall think fit and proper; and also, in their discretion, to cause such nuisances to be abated and removed.

Actions,
when com-
menced.

§ 27. All actions for any forfeiture or penalty incurred under this act, shall be commenced within eighteen months next after the time of incurring such forfeiture or penalty.

Duties con-
ferred on
the Assist-
ant Engi-
neers by
this act.

§ 28. The duties and powers that were by law conferred upon the Fire Wardens in the city of New York, prior to the passage of an act entitled "An act for the establishment and regulation of the Police of the city of New York," passed May 7, 1844, as well as the duties and powers of Fire Wardens conferred upon the Police by the said act, and by the act to amend the same, passed May 13, 1846, are hereby conferred upon the Assistant Engineers of the Fire Department of the city of New York, and upon their successors in office.

They are
to inquire
into viola-
tion of the
laws for the
prevention
of fires.

§ 29. It shall also be the duty of the said Assistant Engineers, respectively, to inquire and examine into any and every violation of any of the provisions of the acts heretofore passed for the prevention of fires in the city of New York, and of the several acts amending or modifying the same, or in addition thereto, or extending the fire limits in said city, and of this act; and it shall also be the duty of the said Assistant Engineers, respectively, to give, or cause to be given, a notice, in writing, signed by at

least one of them, to the owner and builder respectively, of any such dwelling house, store, store house, building, ash hole, ash house, wooden shed, wooden building, or frame building in said city, which shall, after the passage of this act, be erected, built, raised, altered, enlarged or built upon, or removed from one lot to another, or which shall, after the passage of this act, be in the course of erection, building, raising, altering, enlarging or being built upon, or being removed from one lot to another, in violation of any of the provisions of the acts, or of any of them, mentioned or referred to in this section, or of this act, requiring such cause of violation to be removed within ten days after service of such notice; such service shall be made by leaving such notice with any person of suitable age, at such dwelling house, store, store house, building, ash house, ash hole, wooden shed, wooden building, or frame building, or by posting the same in a conspicuous place on such dwelling house, store, store house, building, ash hole, ash house, wooden building, wooden shed, or frame building.

§ 30. If any such cause of violation shall not be removed within the time limited in such notice, the Supreme Court of the state of New York, and the Court of Common Pleas for the city and county of New York shall, respectively, in addition to the power of enforcing the penalties as now provided by law, and as provided by this act for such violation, have power and jurisdiction in an action to be brought by said Fire Department, to restrain, by injunction, the further erection, building, raising, altering, enlarging or building upon such dwelling house, store, store house, building, ash hole, ash house, wooden shed, wooden building or frame building; and also to adjudge and decree that such dwelling house, store, store house, building, ash hole, ash house, wooden shed, wooden building, or frame

Provision,
if the cause
of such vio-
lation be
not remov-
ed.

building, whether erected, built, raised, altered, enlarged, removed or built upon, or in the course of erection, building, raising, altering, enlarging, removing, or of being built upon, shall be taken down and removed.

Duty of
Sheriff.

§ 31. It shall be the duty of the sheriff of the city and county of New York to execute such decree, upon receiving a certified copy thereof.

By-laws.

§ 32. The said Assistant Engineers shall have power to make such by-laws for their own government as shall not be contrary to law, or to the ordinances of the Corporation of said city.

Pay of As-
sistant En-
gineers.

§ 33. The compensation of the said Assistant Engineers shall be fixed by the Common Council of said city, and shall not exceed the sum of five hundred dollars per annum to each Assistant Engineer, and shall be paid by the Comptroller of said city, by warrants, quarterly, and the Board of Supervisors of the city and county of New York shall have power to raise, by tax, a sum necessary to defray such salaries.

Repeal.

§ 34. All laws and parts of laws heretofore passed, inconsistent with the provisions of this act, are hereby declared to be repealed, but such repeal shall not affect any suit or prosecution commenced, or penalty or offence incurred or committed previous to the first day of June next; but every such suit or prosecution may lawfully proceed; and every such penalty or offence be demanded, prosecuted, recovered or punished, as the same may be, as if the said laws and parts of laws, hereby repealed, had remained in full force.

Act to be
published.

§ 35. This act shall take effect on the first day of June next; and the Common Council shall publish this act once a week in every paper employed by them, from thirty days after the passage thereof, until that day.

72d SESSION,

CHAP. 178.

AN ACT* *further to amend the acts in relation to insurances on property in this state, made by individuals and associations, unauthorized by law.*

PASSED March 30, 1849, "three-fifths being present."

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. There shall be paid to the treasurer of the Fire Department of the city of New York, for the use and benefit of said Fire Department, on the first day of February, in each year, by every person who shall act in the city and county of New York, as agent for or on behalf of any individual, or association of individuals, not incorporated by the laws of this state, to effect insurances against losses or injuries by fire in the city and county of New York, although such individuals or association may be incorporated for that purpose by any state or country, the sum of two dollars upon the one hundred dollars, and at that rate upon the amount of all premiums which, during the year or part of a year ending on the next preceding first day of September, shall have been received by such agent or person, or received by any other person for him, or shall have been agreed to be paid for any insurance effected, or agreed to be paid for any insurance effected or agreed to be ef-

Moneys to
be paid to
Fire De-
partment,
N. Y.

* The above act, although not referring directly to the regulation of the Fire Department, yet appertains to its finances, and is deemed by the Compiler to be worthy of insertion here.

fect, or promised by him, as such agent, or otherwise, against loss or injury by fire in the city and county of New York.

Insurance
by certain
agents,
when to be
affected.

§ 2. No person shall, in the city and county of New York, as agent or otherwise, for any individual, individuals, or association, effect or agree to effect any insurance, upon which the duty above-mentioned is required to be paid, or as agent or otherwise, procure such insurance to be effected, until he shall have executed and delivered to the said treasurer, a bond to the Fire Department of the city of New York, in the penal sum of one thousand dollars, with such sureties as the said treasurer shall approve, with a condition that he will annually render to the said treasurer, on the first day of February, in each year, a just and true account, verified by his oath, that the same is just and true, of all premiums which, during the year ending on the first day of September preceding such report, shall have been received by him, or by any other person for him, or agreed to be paid for any insurance against loss or injury by fire in the city and county of New York, which shall have been effected or promised by him to be effected, from any individual, or individuals or association, not incorporated by the laws of this state as aforesaid; and he will annually, on the first day of February, in each year, pay to the said treasurer two dollars upon every hundred, and at that rate upon the amount of any premiums.

Pecalty for
not execut-
ing bond.

§ 3. Every person who shall effect, agree to effect, promise or procure any insurance specified in the preceding sections of this act, without having executed and delivered the bond required by the preceding section, shall, for each offence, forfeit one thousand dollars, for the use of the said Fire Department; such penalty of one thousand dollars

shall be collected in the name of the Fire Department of the city of New York.

§ 4. Every person who, at any time hereafter, as agent or otherwise, for any individual, or individuals or association, may, in the city and county of New York, effect, or agree to effect, any insurance specified in the preceding sections of this act, shall, on the first day of February, in each year, or within ten days thereafter, and as often in each year as he shall alter or change his place of doing business in the said city, report in writing, under his proper signature, to the Comptroller of this state, and also to the treasurer of the Fire Department in the city of New York, the street and number thereof, in the said city, of his place of doing business as such agent or otherwise, designating in such report the individual or individuals, and association and associations for which he may be such agent or otherwise. And in case of default in any of these particulars, such person shall forfeit, for every offence, the sum of one thousand dollars, to be recovered and collected in the name of the people of this state, for the use of the Fire Department of the city of New York.

Agents to state where their places of business are in New York.

§ 5. Sections one, two and three of this act shall apply to every city or incorporated village in this state, where a treasurer of a Fire Department exists, and where no officer is known by the laws of such city or village, the treasurer of such city or incorporated village shall exercise all the powers and perform all the duties for the purposes of this act, of the treasurer of the Fire Department of the city of New York, as far as relates to the city or village of which he is the treasurer, and he shall, under the direction of the Common Council of the city, or the trustees of the village, and pay over all moneys received or recovered under the first, second and third sections of this act, to the

Sections 1, 2 and 3 to apply to every city and village.

Fire Department of such city or incorporated village; provided, however, that the penalty of the bond required by the second section of this act shall not exceed the sum of two hundred dollars, in any city or village of this state, excepting the city of New York.

Repeal. § 6. All the provisions of sections three, four, five, six, seven, of the title twenty-one, chapter twenty, of the first part of the Revised Statutes, as amended by the act of the 21st February, 1837, as far as they relate to fire insurance, are hereby repealed.

FIRE DEPARTMENT.

72d SESSION.

CHAP. 187.

AN ACT *to amend the charter of the city of New York.*

PASSED April 2d, 1849.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

* * * * *

§ 13. There shall be an Executive Department, to be denominated the Department of "Repairs and Supplies," which shall have cognizance of all repairs and supplies of, and for roads and avenues, public pavements, repairs to public buildings, to fire engines and apparatus of Fire Department, and the chief officer thereof shall be called the Commissioner of Repairs and Supplies. There shall be four bureaux or branches in this department, and the chief officers shall be respectively denominated the "Superintendent of Roads," "Superintendent of Repairs to Public Buildings," "Superintendent of Pavements," and "Chief Engineer of the Fire Department." * * *

72d SESSION.

CHAP. 195.

AN ACT to amend "*An act for the more effectual prevention of fires in the city of New York,*" and to amend the acts heretofore passed for that purpose.

PASSED April 4, 1849.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Section four of an act "For the more effectual prevention of fires in the city of New York," and to amend the acts heretofore passed for that purpose, passed March 7th, 1849, is hereby amended, and shall read as follows;

Stores and
store houses
how to be
built.

"Every such store or store house, being more than thirty feet in width, shall be erected and built in such manner that all the floors thereof, throughout their whole extent, shall be supported by and rest upon one or more additional partition wall or walls, built of brick or stone, not less than eight inches thick, or upon iron girders, sustained by proper and sufficient posts or pillars of iron, brick or stone, and so that through the whole extent of said floors, and each of them, the walls of such store or store house, (except the front and rear walls,) and such intermediate support or supports of brick, stone or iron shall not be distant from each other more than thirty feet, and all such partition walls, which shall exceed thirty-five feet in height, from the level of the side-walk to the peak or highest part thereof, shall not be less than twelve inches thick;

provided, however, that in case said floors, or any of them shall, throughout their whole extent, be supported upon iron beams or girders of proper size and strength, resting upon the lateral walls of such store or store house, and distant from each other not more than fifteen feet, then such store or store house may be so built and erected as that in the story or stories beneath each floor so supported, the lateral walls may be distant from each other, or from any partition wall of brick or stone, or any intermediate support of iron, as herein before required, a distance of more than thirty, but not more than forty feet."

§ 2. Section ten of said act is hereby amended, and shall read as follows:

"The planking or sheathing of the roof of every such dwelling, store, store house, or other building so to be erected or built as aforesaid, shall in no case be extended across the party, side or end walls thereof; and every such dwelling house, store, store house or other building, and the top and side of dormer windows thereon, shall be roofed and covered with slate, tin, iron, copper, zinc or other fire proof material, or composition, to be approved of by the Chief Engineer of the Fire Department of the city and county of New York, and be equally capable of withstanding the influence of fire."

Planking
and sheath-
ing of roofs.

§ 3. Section fourteen of said act is hereby amended, and shall read as follows:

"If any brick front, frame dwelling house, or wooden dwelling house, already erected within the fire limits, as the same are extended by this act, or may hereafter be extended, shall require new roofing, it shall and may be lawful for the proprietor or proprietors thereof to raise the same, for the purpose of making a flat roof thereon;

Roofs of
brick front
or frame
houses, how
made.

provided that such new roofing shall be made of copper, slate, tin, zinc or iron, or other fire proof material or composition; the same to be approved by the Chief Engineer of the Fire Department of the city and county of New York, and be equally capable of withstanding the influence of fire; and also, provided that such dwelling house, when so raised, shall not exceed thirty-five feet in height, from the level of the side-walk to the peak or highest part thereof.

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73d SESSION.

AN ACT to amend an act entitled "*An act for the more effectual prevention of fires in the city of New York, and to amend the acts heretofore passed for that purpose,*" passed March 7th, 1849.

PASSED March 29th, 1850, "three-fifths being present."

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Section twenty-eight of the act entitled "*An act for the more effectual prevention of fires in the city of New York, and to amend the acts heretofore passed for that purpose,*" passed March 7, 1849, is hereby amended, and shall read as follows:

Amending
section 28
of the act
passed
March 7,
1849.

The duties and powers that were by law conferred upon the Fire Wardens in the city of New York, prior to the passage of an act entitled "*An act for the establishment of the Police of the city of New York,*" passed May 7th, 1844, as well as the duties and powers of Fire Wardens, conferred upon the Police by the said act, and by the act to amend the same, passed May 13, 1846, are hereby conferred and imposed upon the officers to be appointed, as herein-after in this section mentioned, who shall be known and designated by the name of Fire Wardens of the city of New York.

Fire Wardens.

That such Fire Wardens shall be twelve in number, and shall be selected from firemen of the city of New York, exempted by law from duty, at the time of such selection,

Number.

Appointed
by Common
Council,
subject to
nomination
by repre-
sentatives
of Depart-
ment.

Fire War-
dens to be
classified,
&c.

Vacancies,
how filled.

whether then in active duty or not, and shall be appointed by the Common Council, upon the nomination of the Representatives of the Fire Department of the city of New York, by a majority of the votes cast by them for that purpose.

That the said Fire Wardens shall, within ten days after their appointment, be classified into three classes, (four in each class,) by lot, to be drawn by the President of the said Fire Department, or in case of his absence, by the Vice-President, or by one of the Trustees of the said Fire Department, at a time and place to be notified to said Fire Wardens; and a certificate of such drawing and classification shall be signed by such President, Vice-President or Trustee, and filed in the office of the clerk of the city and county of New York. The classes shall be respectively numbered one, two and three, according to the term of service of each. Class one shall serve one year; class two shall serve two years; class three shall serve three years, and until their successors in office shall be appointed. The first nomination and appointment of twelve Fire Wardens shall be made as soon after the passage of this act as practicable, and thereafter, the nomination and appointment in place of those whose term of office shall expire, shall be made annually, on or about the second Tuesday of April, in each succeeding year; the term of office of said Fire Wardens, who shall be first appointed as aforesaid, shall end as follows: class one on the second Tuesday of April, 1851; class two, on the second Tuesday of April, 1852; and class three on the second Tuesday of April, 1853, and until their successors in office shall be appointed as aforesaid. All vacancies happening during any term or terms of office, shall be filled, as often as they shall occur, by a like nomination and appointment.

§ 2. Section twenty-nine of the said act hereby amended, is hereby amended, and shall read as follows:

" It shall also be the duty of the said Fire Wardens respectively, to inquire and examine into any and every violation of any of the provisions of the acts heretofore passed for the prevention of fires in the city of New York, and of the several acts amending or modifying the same, or in addition thereto, or extending the fire limits in said city, and of this act; and it shall also be the duty of the said Fire Wardens respectively, to give, or cause to be given, a notice, in writing, signed by at least one of them, to the owner and builder respectively, of any such dwelling house, store, store house, building, ash hole, ash house, wooden shed, wooden building or frame building in said city, which shall, after the passage of this act, be erected, built, raised, altered, enlarged or built upon, removed from one lot to another; or which shall, after the passage of this act, be in the course of erection, building, raising, altering, enlarging or being built upon, or being removed from one lot to another, in violation of any of the provisions of the acts, or of any of them, mentioned or referred to in this section, or of this act, requiring such cause of violation to be removed within ten days after service of such notice; such service shall be made by leaving such notice with any person of suitable age, at such dwelling house, store, store house, building, ash house, ash hole, wooden shed, wooden building or frame building, or by posting the same in a conspicuous place on such dwelling house, store, store house, building, ash hole, ash house, wooden shed, wooden building or frame building.

It shall also be the duty of the said Fire Wardens respectively, to report to the said Chief Engineer the location of and particular circumstances attending any building constructed, or in the course of construction, deemed unsafe; and also to report, as aforesaid, all cases where goods shall be improperly stored in any building, so as to

Duty of
Fire Wardens.

hazard the lives of firemen, or where such goods shall be too heavily laden in a building, or where any building shall, from any cause have become unsafe.

It shall also be the duty of said Fire Wardens, respectively, to attend all fires in the fire districts respectively, to which they may be allotted, and to report themselves to the engineer in command, and to wear at such fires the usual fire cap, with the words "Fire Warden" and the number of such district conspicuously painted thereon, in white, on a black ground.

To report
to the Com-
mon Coun-
cil, &c., an-
nually.

That the said Fire Wardens shall report all their proceedings, and such facts and information as they shall acquire in respect to the subject matter of their duties, to the Common Council of the city of New York, and to the said representatives, annually, on or before the second Tuesday of April, and oftener, if required so to do.

Office open
daily.

That the said Fire Wardens shall be provided by the Common Council of said city with an office, and with necessary fuel and stationery for the same, which office shall be kept open daily, (Sundays and holidays excepted,) from eight o'clock, A. M., until five o'clock, P. M. That said Common Council shall, upon the nomination of a majority of said Fire Wardens, appoint a suitable person as clerk to said Fire Wardens, at a salary not exceeding five hundred dollars per annum, subject to removal at any time, by the Common Council, upon the request of a majority of the Fire Wardens, for incapacity or neglect of duty prescribed to him by said Fire Wardens; and upon any such removal, another clerk shall, upon like nomination, be appointed as aforesaid; and it shall be the duty of the said clerk to attend at such office during said office hours.

Clerk for
Fire War-
dens.

Removal.

The Common Council, at the request of a majority of the whole number of the Representatives of said Fire De-

partment, may remove any of said Fire Wardens from office, for incapacity or neglect of duty.

§ 3. Section thirty-two of said act, hereby amended, is hereby amended, and shall read as follows:

The said Fire Wardens shall have power to make such ^{Fire Ward-} by-laws for their own government as shall not be contrary ^{ons' by-} laws. to law, or to the ordinances of the Corporation of the said city, and as shall be approved of by said representatives.

§ 4. The thirty-third section of said act, hereby amended, is hereby amended, and shall read as follows:

The compensation of said Fire Wardens shall be fixed ^{Compensa-} by the Common Council of said city of New York, at the ^{tion of Fire} sum of two hundred and fifty dollars per annum to each ^{Wardens.} Fire Warden; and shall, as well as the salary of said clerk, and the rent of said office, and the expense of fuel and stationery, be paid by the Comptroller of said city, by warrants, quarterly; and the Board of Supervisors of the city and county of New York shall have power to raise, by tax, a sum necessary to defray the same.

The powers and duties of Assistant Engineers, as provided for in the said act hereby amended, shall continue, any thing herein contained to the contrary, until the first appointment of twelve Fire Wardens shall be made, as herein before provided, and no longer, and the salaries of such engineers shall be paid up to that time. ^{Assistant} ^{Engineers} ^{to perform} ^{duty until} ^{Fire Ward-} ^{ens are ap-} ^{pointed.}

§ 5. The notice mentioned in the twenty-fourth section of the said act hereby amended, may be signed by any of the said wardens, with the same force, validity and effect as if the same were signed by any of the trustees of the said Fire Department, as provided for in said last mentioned section. ^{Notices} ^{signed by} ^{Fire Ward-} ^{ens.}

§ 6. Nothing in this act contained shall be so construed as to repeal the act passed March 25, 1850, entitled "An act to authorize Alexander T. Stewart to continue and complete his present store in Broadway, in the city of New York.

§ 7. This act shall take effect immediately.

74th SESSION.

CHAP. 62.

An act to amend an act entitled "An act to extend the charter of the firemen of the city of New York," passed April 16, 1831.

PASSED March 25, 1851.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Section two of an act entitled "An act to extend the charter of the firemen of the city of New York," passed April 16, 1831, is hereby amended, and shall read as follows:

Act of April
16, 1831,
amended.

The said corporation shall have power to purchase, hold and convey any estate, real and personal, for the use and objects for which the said corporation was instituted; but such real or personal estate shall not exceed the sum of one hundred thousand dollars.

Powers of
Fire De-
partment.

Estate not
to exceed
\$100,000.

74th SESSION.

CHAP. 66.

An act to repeal an act entitled "An act to amend an act for the more effectual prevention of fires in the city of New York, and to amend the acts heretofore passed for that purpose," passed April 4, 1849; and to amend an act entitled "An act for the more effectual prevention of fires in the city of New York, and to amend the acts heretofore passed for that purpose," passed March 7, 1849.

PASSED March 28, 1851.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. The act entitled "An act to amend an act for the more effectual prevention of fires in the city of New York, and to amend the acts heretofore passed for that purpose," passed April 4, 1849, is hereby repealed.

§ 2. Section four of "An act for the more effectual prevention of fires in the city of New York, and to amend the acts heretofore passed for that purpose," passed March 7, 1849, is hereby amended, and shall read as follows:

Mode of
erecting
stores.

"Every such store, or store house, being more than thirty feet in width, shall be erected and built in such manner that all the floors thereof, throughout their whole extent, shall be supported by, and rest upon one or more additional partition wall or walls, built of brick or stone, not less than eight inches thick, or upon girders, sustained by pro-

per and sufficient posts or pillars, of iron, brick or stone, and so that through the whole extent of said floors, and each of them, the walls of such store or store house, (except the front and rear walls,) and such intermediate support or supports of brick, stone or iron, shall not be distant from each other more than thirty feet, and all such partition walls which exceed thirty-five feet in height, from the level of the side-walk to the peak or highest part thereof, shall not be less than twelve inches thick; provided, however, that in case said floors, or any of them, shall, throughout their whole extent, be supported upon iron beams or girders, of proper size and strength, resting upon the lateral walls of such store or store house, and distant from each other not more than fifteen feet, then such store or store house may be so built and erected as that in the story or stories beneath such floor so supported, the lateral walls may be distant from each other, or from any partition wall of brick or stone, or any intermediate support of brick, stone or iron, as hereinbefore required, a distance of more than thirty, but not more than forty feet.

§ 3. Section twenty-four of the said last mentioned act is hereby amended, and shall read as follows:

The owner or owners of any dwelling house, store, store house, or other building, or of any frame building, with or without a brick front, or of any wooden building, or of any ash house, ash hole, or wooden shed, whether he or they be the owner or owners of the land in fee, or be the lessee or lessees thereof, or has or have a qualified or contingent interest therein, by virtue of some agreement or contract in writing, or in any other manner, who shall violate any provision of this act, and every builder, carpenter, mason, roofer or other person who may be employed, or assist therein, shall, for every such violation, respectively forfeit and pay the sum of five hundred dollars; and such owner

Penalties.

or owners shall forfeit and pay, in addition thereto, the sum of fifty dollars for every twenty-four hours such violation shall remain after notice to remove the same shall have been given; such notice may be signed by any of the trustees or the Fire Wardens of the Fire Department of the city of New York. Such notice may be given by leaving the same at the residence or place of business of such owner or owners, or builder or carpenter, or by serving the same personally, or by serving the same in the manner provided for in the twenty-ninth section of this act, and such additional penalty shall be computed and recovered up to the time of the trial of any suit for the recovery thereof; and in case such violation shall continue after the trial of such suit, such continuing, additional penalty, computing from the time of such trial, may be recovered in any other suit or suits to be brought by the Fire Department of the city of New York for that purpose.

§ 4. Sections ten and fourteen of the said last mentioned act, are hereby revived.

§ 5. This act shall take effect immediately.

74th SESSION.

CHAP. 543.

AN ACT to amend an act entitled "*An act to amend the charter of the city of New York,*" passed April 2, 1849.

PASSED July 11, 1851.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 2. Section twenty is hereby amended so as to read as follows:

"The Heads of Departments, except the Croton Aqueduct Board, shall be elected every three years, by the people. In case of vacancy of any of said Heads of Departments, by removal from office or otherwise, the Mayor, by and with the consent of the Board of Aldermen, shall appoint a person to fill the same, until the vacancy shall be filled by the electors at the next charter election. The Heads of Departments shall nominate, and by and with the consent of the Board of Aldermen, appoint the Heads of Bureaux in their several departments, except the Chamberlain of the city of New York, the Receiver of Taxes, and the Chief Engineer of the Fire Department; but in case the Mayor shall neglect or refuse to nominate the chief officer of a bureau in the Police Department, designated as the Chief of Police, for five days after the commencement of the session of the Common Council, to be holden in August, 1851, it shall be the duty of the Board of Aldermen to appoint such officer forthwith. And in case the Mayor shall

make such nomination, and it shall be rejected by the Board of Aldermen, the Board of Aldermen shall have power, at any regular session of the Common Council, to appoint such officer; provided that five days of any such session shall elapse without another nomination being made by the Mayor, and that no appointment of such officer shall have been made as heretofore provided; the Heads of Departments shall nominate, and by and with the consent of the Board of Aldermen, appoint the clerks in their respective offices. The Heads of Bureaux shall nominate, and with the consent of the Board of Aldermen, appoint all clerks in their respective bureaux. The Mayor shall nominate, and by and with the consent of the Board of Aldermen appoint the Chamberlain of the city of New York, the Chief Officers of the Croton Aqueduct Department, and the Receiver of Taxes. The Chief of Fire Department shall be elected in the same manner as is now or may hereafter be prescribed by law. The number of officers and clerks in the several departments shall be prescribed by the Common Council; the term of all charter offices not prescribed by the law of the state, shall be fixed by the Common Council,

75th SESSION.

CHAP. 332.

AN ACT *to provide for a speedy investigation into the origin of fires in the city of New York.*

PASSED April 16, 1852.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. The Chief of Police of the city of New York is hereby authorized and required to make an investigation into the origin of every fire occurring in said city, and for that purpose he is hereby invested with the same powers and jurisdiction as are now possessed by the Police Justices of said city. ^{Powers of Chief of Police}

§ 2. This act shall take effect immediately.

76th SESSION.

CHAP. 228.

AN ACT *in relation to the Police Department of the city and county of New York.*

PASSED April 13, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

ARTICLE I.

* * * * *

Duty in
time of fire.

§ 11. At any alarm of fire it shall be the duty of the captains of police, nearest the scene of conflagration, forthwith to proceed to the same, with the reserve corps of their command, to be diligent in preserving order and protecting property. In case of riot, or any sudden emergency requiring the service of the police, the captains of police shall, forthwith, proceed to the scene of riot, with the whole police force off duty, or any part thereof, and be vigilant in suppressing the same.

* * * * *

ARTICLE II.

To repair
to fires.

§ 3. He, (the Chief of Police,) shall repair to the scenes of fire, and with the assistance of the police force, use every exertion to save and protect property, and remove or cause to be removed, all idle and suspicious persons from the vicinity of the fire.

* * * * *

ARTICLE IV.

Exemption
from mili-
tary, fire
and jury.

§ 6. No person connected with the Police Department shall be liable to military, fire or jury duty.

76th SESSION.

CHAP. 542.

AN ACT to amend an act entitled "*An act to amend an act entitled an act for the more effectual prevention of fires in the city of New York, and to amend the acts heretofore passed for that purpose,*" passed March 7, 1849; passed March 29, 1850.

PASSED July 18, 1853, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Section fourth of the act entitled "An act to amend an act entitled an act for the more effectual prevention of fires in the city of New York, and to amend the acts heretofore passed for that purpose," passed March 7, 1849; passed March 29, 1850, is hereby amended, and shall read as follows:

Act of
March 29,
1850, amended.

The compensation of said Fire Wardens shall be fixed by the Common Council of said city of New York, at a sum not exceeding five hundred dollars per annum to each Fire Warden, and shall, as well as the salary of said clerk, and the rent of said office, and the expense of fuel and stationery, be paid by the Comptroller of said city, by warrants, quarterly; and the Board of Supervisors of the city and county of New York shall have power to raise, by tax, a sum necessary to defray the same.

Compensation of Fire Wardens.

How paid.

§ 2. This act shall take effect immediately.

77th SESSION.

CHAP. 156.

*AN ACT to amend the charter of the Fire Department of
the city of New York.*

PASSED April 5, 1854.

*The People of the State of New York, represented in Senate
and Assembly, do enact as follows:*

No person entitled to relief from funds of Fire Department, who shall receive aid from Corporation as firemen.

§ 1. No person, nor his family, shall be entitled to relief from the funds of the Fire Department of the city of New York, who shall belong to a Fire Department whose members shall receive, or shall be entitled to receive, pay for their services as firemen, from the Corporation of the city of New York, or otherwise; provided, however, that this act shall not be held to deprive any person of the right to such relief who now is, or shall hereafter be entitled thereto, by virtue of services rendered in the present or any other unpaid Fire Department.

ORDINANCES, RESOLUTIONS AND ORDERS

ESTABLISHED BY

THE COMMON COUNCIL.

CITY LAWS.

ON the 9th day of April, 1813, the legislature passed "An act to reduce the several laws relating particularly to the city of New York, into one act," as will be found in the Laws of the State of New York, revised and passed at the 36th Session, Chap. LXXXVI, of vol. II, whereon the Common Council based its future action. An authenticated copy of the law was sent for on the 3d of May, and the Comptroller to report a warrant for the payment of the expense attending the same. On the 10th of May a certified copy was laid before the Common Council, and it was ordered that the same be printed, under the direction and revision of the Counsel, and such a number of copies be stricken off as he should judge necessary.

The Common Council, on the 15th November, 1813, recommended a uniformity of fire caps for firemen and engineers, and submitted a law relative thereto, which was referred to the Counsel to the Corporation for revision. (Vide P. C. C., MSS., vol. 26.) On the 22d of the same month the Counsel reported thereon, and submitted an ordinance, which was passed.* From the proceedings of the Common Council of November 29th, 1813, MSS., p. 324, it appears that the Chief Engineer, (Thomas Franklin,) proposed an amendment to the law establishing a uniformity in the caps of firemen, which was agreed to, and the law directed to be amended accordingly. (The Journal of this meeting is defective, and no mention whatever is made as to what the amendment was.)

Fire caps to
be uniform.

* Although the compiler made diligent search for this ordinance among the records, no copy of it can be now found.

Report of
Chief Engineer
for
1813.

On the 10th day of January, 1814, the Chief Engineer of the Fire Department reported that during the year 1813 the sum of \$1,092 20 had been received and collected from fines, which were applied to the relief of disabled firemen and their families, and for educating about seventy of their children. (Vol. 28, P. C. C. MSS.. p. 6.)

On the above date it was

Members
of Common
Council.
staves, &c.,
how con-
structed.

Resolved, That the staves of office to be worn at fires by the members of the Common Council be similarly constructed with those lately made, (viz: with a gilded flame at the top,) and the members furnished therewith, and that the Justices of the Police and the Superintendent of Repairs be furnished with staves, to be used on like occasions. (Vol. 28, P. C. C., MSS.. p. 24.)

Estimated
value of the
Fire De-
partment
establish-
ment, 1814.

'Thomas Franklin, Chief Engineer, on the 26th December, 1814, presented, in connection with his report as to the state of the Fire Department, the following estimated value of the Fire Department establishment. viz:

15 brick buildings	\$5,250 00
32 wood "	4,800 00
2 lots of ground, (one whole. one part of a lot,) cost.....	1,600 00
41 engines.....	26,200 00
floating engine and boat.....	1,400 00
4 old engines, not in use.....	750 00
13,085 feet of leather hose.....	8,548 00
1,000 fire buckets	1,500 00
4 trucks, 15 ladders, 20 fire hooks, &c..	1,200 00
signal lanterns, torches, axes, &c....	150 00
drag ropes.....	70 00
stoves and pipes	150 00
hose wagon	175 00
Carried forward	\$51,803 00

FIRE DEPARTMENT.

117

Brought forward.....	\$51,803 00
1 copper pump.....	20 00
20 loads nut wood.....	90 00
Total.....	<u>\$51,913 00</u>

(Vol. 29 P. C. C., MSS., p. 56.)

On the 20th February the Counsel presented, agreeably to order, an ordinance entitled "A law to prohibit the use of fire on board of vessels loaded with hay or straw," which was read by paragraphs, and passed. (Vol. 29 P. C. C., MSS., p. 116.)

Fire net to be used on vessels loaded with hay or straw.

On the 30th March following, the Counsel also presented a memorial to the legislature, and bill corresponding therewith, "Relative to fire limits." (Vol. 29 P. C. C., MSS., p. 148.)

Fire limits..

It also appears that on the 17th July, of the same year, the Counsel presented a law relative to the appointment, powers and duties of Fire Wardens, which was passed. (Vol. 29 P. C. C., MSS., p. 317.)

Powers, &c. of Fire Wardens.

On the 26th of February, 1816, the following resolution was approved:

Resolved, That the Attorney of this Board be directed to prepare and report an amendment to the militia law of the state of New York, with a memorial to the legislature for the adoption thereof, providing for the exemption of all constables and marshals of the city of New York from militia duty; and further, to report an ordinance providing for the organization of the constables and marshals aforesaid into two companies, over which the first marshal and high constable shall preside, giving to said companies power to pass such by-laws as to them may seem necessary to compel the attendance of members thereof at every

Amending militia law.

Constables and Marshals to be organized into two companies.

alarm of fire, and to answer to their names at the calling of a roll to be made for that purpose. (Vol. 30 P. C. C., MSS., p. 304.)

On the same day was approved the following resolution:

Extend fire
limits.

Resolved, That the Attorney of this Board be instructed to draft and present to the Board a bill and memorial to the legislature, for the adoption thereof, making provision for extending the limits given in the act of the legislature of the State of New York, so as to embrace within the provisions of said act the district embraced within a line commencing at the corner of Church and Anthony streets, and running thence through Church street to Walker street, embracing both sides of said street; thence through and along the westwardly side of Walker street to Broadway. (Vol. 30 P. C. C., MSS., p. 305.)

Assistant
Aldermen,
Constables,
Marshals,
&c., to be
exempt
from mili-
tary duty.

On both of the last two resolutions the Counsel, (D. S. Jones,) on the 11th of March following, reported, presenting to the Board, (consisting of the entire Common Council, the Mayor, Aldermen and Assistant Aldermen, as was customary,) a memorial to the legislature praying that the Assistant Aldermen, the constables and marshals, and the clerks of the police office in the city may be exempted from military duty, and a corresponding bill; and also a memorial to the legislature, praying an extension of the fire limits, with a corresponding bill.

Fire limits
to be exten-
ded.

The report of the Counsel was approved, and the bills directed to be engrossed, authenticated and forwarded to the legislature. (Vol. 30 P. C. C., MSS., p. 321.)

Ordinance
to prohibit
carpenters,
&c., from
storing
lumber on
their prem-

The Committee on Fire and Water, on the 25th of March, 1816, reported, directing the Chief Engineer to announce to the Fire Wardens that such a construction of the ordinance for the prevention or hindrance of carpenters, cabi-

net makers, coach makers and others, dealers in lumber, from storing or seasoning lumber on their premises is deemed inexpedient.

Which was approved.

(Vol. 30 P. C. C., MSS., p. 356.)

The above order of the Common Council was repealed on the 9th December, 1816. (Vide vol. 32 P. C. C., MSS., p. 27.)

On the 23d December, 1816, the following *recommendation* was approved, viz:

That the Engineer's Department be augmented to *ten*, instead of *eight*, and that the Chief Engineer call a meeting of the engineers, and for them to nominate, (for the approbation of the Corporation,) two suitable characters, from amongst the Fire Department, to fill said station. (Vol. 32 P. C. C., MSS., p. 69.)

The Committee on the Fire Department, on the 27th day of January, 1817, presented a report on the subject of extending the fire limits.

Which was read and laid on the table.

The same Committee, on the same day, reported on the petition of the Representatives of the Fire Department, praying that the act regulating them may be so amended as to include all such as the ordinances of this Board denominate firemen; and that they may have such fines and penalties as may be collected from persons violating so much of the laws as relates to the more effectual prevention of fires.

Which was adopted.

(Vol. 32 P. C. C., MSS., p. 145.)

A LAW for preventing and extinguishing fires.

Ordained and established by the Mayor, &c., on the 5th day of May, 1817.

Be it ordained by the Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened:

Fire Department,
of whom to
consist.

That the Fire Department of the said city shall consist of a Chief Engineer, who shall have an annual salary of eight hundred dollars, payable quarterly, and as many other engineers, fire wardens, fire enginemen, hosemen and hook and laddermen, as are or may, from time to time, by the said Common Council be duly appointed; and who shall be respectively distinguished by the several appellations aforesaid.

Chief Engineer, his
duties.

§ 2. *And be it further ordained,* That the Chief Engineer shall, in all cases of fire, have the sole and absolute control and command over all the engineers and other persons of the Fire Department; and it shall be the duty of the said Chief Engineer to direct the other engineers to take proper measures that the several fire engines be arranged in the most advantageous situations, and be duly worked for the effectually extinguishing of fires. And it shall, moreover, be the duty of the Chief Engineer to examine, twice in every year, into the condition and number of the fire engines, fire buckets, and other fire apparatus, and fire engine houses belonging to the Corporation, and report the same, once a year, to the Common Council, together with the names of all the members of the Fire Department, and the respective associations to which they belong; which shall be published in the month of January, in every year, by the City Inspector, in the newspapers employed by the

Common Council. And whenever any of the said fire engines or other fire apparatus shall require to be repaired, the Chief Engineer shall cause the same to be well and sufficiently done. And it shall, moreover, be the duty of the Chief Engineer to cause all the private fire buckets which may remain after any fire is extinguished, to be collected, and conveyed, as soon as possible, to the City Hall, to be there deposited, in order that the citizens may know where to find them. And it shall, moreover, be the duty of the Chief Engineer to report, in writing, all accidents by fire that may happen in this city, with the causes thereof, as well as can be ascertained, and the number and description of the buildings destroyed or injured, together with the names of the owners and occupants, to the City Inspector, who shall keep a faithful register of the same.

III. *And be it further ordained*, That so many of the freeholders or freemen of the said city as the Common Council thereof may deem proper, shall, from time to time, be appointed in each of the wards of the said city, to be denominated Fire Wardens; each of whom shall be assigned and attached by the Mayor of the said city, to such company of firemen, having charge of a fire engine, as he shall think proper; and shall report himself to the Chief or other engineer, at every fire. And each Fire Warden shall have a certificate, under the seal of the Mayoralty, setting forth his appointment as a Fire Warden, and the company of firemen to which he may be attached.

Fire Wardens, how appointed.

IV. *And be it further ordained*, That the Fire Wardens of each ward shall form a separate company; and that each of the said companies shall and may choose, out of their own number, a foreman and clerk, in such manner, and at such times as they may think proper; and each company may make rules regulating the time and manner of con-

To be divided into companies, and to make rules and regulations.

ducting their elections, and imposing such fines on the members as, in their judgment, may best secure the performance of the duties of the said Fire Wardens, both at fires, and in visiting the buildings, and in other duties in their several districts; and disobedience to such rules may be reported, by each company, to the Common Council, and shall subject the Fire Warden, so disobeying, to removal by the Common Council.

**Vacancies,
how filled.**

V. *And be it further ordained,* That whenever a vacancy shall happen in any of the said companics, the company, where the same shall happen, may recommend, through the Chief Engineer, to the Common Council, for approbation, a suitable person to fill such vacancy; but none other than those who have been firemen for at least five years shall be so recommended.

**Fire Wardens sub-
ject the di-
rection of
the Engi-
neers.**

VI. *And be it further ordained,* That the said Wardens, when attending fires, shall be subject to the direction of the Chief Engineer, and the other engineers of the Fire Department.

**Duty of
Wardens.**

VII. *And be it further ordained,* That it shall be the duty of the said Fire Wardens, immediately on the alarm of fire, to repair to the place where it may be, and aid and assist in procuring supplies of water to the fire engines to which they shall respectively be assigned and attached, and to such other fire engines as the Chief Engineer or other engineer may direct them to attend. It shall also be the duty of the said Fire Wardens to prevent the hose from being trodden on, and to keep all idle and suspected persons at a proper distance from the fire, and from the vicinity, and the citizens are hereby enjoined to comply with the orders and directions of the said Fire Wardens in the premises.

VIII. *And be it further ordained,* That each of the said companies shall divide their ward into districts, and that the foreman of the company shall attach one or more of the members of the said company to each of the said districts, for the purpose of making the visitation and examination directed in the next following section; and the said foreman shall report to the Chief Engineer, in the month of December, annually, the name, residence and occupation of each of the wardens of his company.

Wards to
be divided
into inspec-
tion dis-
tricts.

IX. *And be it further ordained,* That it shall be the duty of the said Fire Wardens, twice in every year, namely: in the months of June and December, and as much oftener as they may think proper, to examine the dwelling houses and other buildings in their respective wards, to see that they are properly furnished with fire buckets, in conformity with this law; and also to examine the fire-places, hearths, chimneys, stoves and pipes thereto, ovens, boilers, kettles, or apparatus which, in their opinion, may be dangerous in causing or promoting fires, and the places where ashes may be deposited; and, upon finding any of them defective or dangerous, they, or either of them, shall direct, in writing, the owner or occupant to alter, remove, or amend the same, in such manner, and within such reasonable time as they, or either of them, may judge proper; and in case of neglect or refusal so to do, the party offending shall forfeit and pay the sum of twenty-five dollars, and for every day after the time allotted as aforesaid to alter, remove or amend the same, in conformity with the directions aforesaid, the party so offending shall forfeit and pay the further sum of five dollars. And all the expenses of any removal, alteration or amendment, as aforesaid, shall be paid, in the first instance by the occupant, but shall be chargeable against the owner of such dwelling

Wardens
to examine
houses, &c.,
and to give
directions,
&c.

house or other building, and shall be deducted from the rent of the same, unless such expense be rendered necessary by the act or default of such occupant, or unless there be a special agreement to the contrary between the parties. And it shall, moreover, be the duty of the Fire Wardens, or either of them, at such time as aforesaid, to enter into, and examine all buildings, livery and other stables, hay boats or vessels, and places where any gunpowder, hemp, flax, tow, hay, rushes, fire-wood, boards, shingles, shavings or other combustible materials may be lodged, and give such directions, in writing, in the premises, as may be deemed proper by them or him, relative to the removal thereof; and in case of neglect or refusal on the part of the possessor of such combustible materials, or any of them, to remove or secure the same within the time and in the manner directed by the said Fire Wardens, or either of them, the party offending shall forfeit and pay the sum of twenty-five dollars, and the further sum of five dollars for every day's neglect to remove the same after being so notified.

Reports to
be made to
the fore-
men.

X. *And be it further ordained*, That the duties prescribed by the last section of this ordinance shall be performed in each district by the warden or wardens attached to such district, who shall make an immediate report to the foreman, who shall record the same, in a book to be kept for that purpose, of all persons neglecting or refusing to comply with the orders and directions aforesaid, together with the circumstances of each case; and shall also make report whether any, and what cases of violations of the laws of this state, prohibiting the construction of wooden buildings within certain limits in this city, have come to his knowledge; and in case of any violation of such law, he shall particularly report the names of the owner or owners

of the building and of the master builder, and the particular circumstances of each case; and in case of neglecting to report as aforesaid, such warden shall forfeit and pay the sum of ten dollars. But it is hereby expressly declared, that the foreman or any of the wardens of the ward, may give such orders and directions as are above authorized and directed in and by the ninth section of this law, in case the same shall not be given by the warden of the district where the danger exists or is apprehended.

XI. *And be it further ordained,* That the firemen shall Firemen be divided into companies, to consist of as many members as the Common Council shall, from time to time, direct, to attend to the fire engines, hose wagons and hooks and ladders belonging, or that may hereafter belong to the Corporation of this city, or such hose wagons and hooks and ladders as the Common Council shall direct; and that each of the said companies shall and may choose, out of their own number, a foreman, assistant and clerk, in such manner, and at such times as they may think proper. And it shall be the duty of the said firemen, as often as any fire shall break out in the said city, to repair, immediately upon the alarm thereof, to their respective engines, hose wagons, hooks and ladders, and convey them to or near the place where such fire shall happen, and there, in conformity with the directions given by the Chief Engineer or other engineers, shall work and manage the said engines, or apparatus and implements, with all their skill and power; and when the fire is extinguished, shall not remove therefrom but by the direction of an engineer; when they shall return their respective hose wagons, hooks and ladders, engines and apparatus, well washed and cleaned, to their several places of deposit. And for the more effectually perfecting the firemen in their duty, and keeping and pre-

serving the said fire engines and other implements and apparatus from decay, the said firemen shall, in the months of May, June, July, August, September, October and November, draw out the said fire engines and other implements, in order to wash and clean them, and to exercise the men; and if any fireman shall neglect the said duty, he shall forfeit and pay, for every default, one dollar; and if he shall neglect to attend at any fire as aforesaid, or leave his fire engine or other apparatus while at any fire, without permission, or shall neglect to perform his duty on such occasion, without reasonable excuse, he shall, for every default, forfeit and pay the sum of three dollars; and if any fireman shall neglect to do his duty as such, in attending at fires, or in working, exercising, managing, trying or using the said fire engine, or other implements or apparatus provided for extinguishing fires, every such person shall, besides the fines and penalties aforesaid, be removed and displaced from his station. And whenever any fireman is appointed to supply any vacancy in any company as aforesaid, it shall be his duty to call on the treasurer of the Fire Department, and procure a certificate, within one month from the date of his election, specifying the name and number of the company to which such fireman shall be elected. And every fireman or Fire Warden heretofore appointed, who hath not yet obtained such certificate, shall procure the same within one month after the passing of this ordinance. And any fireman who may, after resignation, removal, absence, or expulsion from the company, be re-elected, shall obtain a new certificate as aforesaid. And it shall be the duty of the Chief Engineer to certify, on every return, whether a vacancy exists in the company.

How Aldermen, Assistants, Engineers and Fire War- XII. *And be it further ordained*, That in order that the members of the Common Council, Engineers and Fire Wardens may be readily distinguished at fires, the Mayor,

Recorder, Aldermen and Assistants, shall severally bear, ^{dens are to be distinguished.} on those occasions, a wand with a gilded flame on the top; and each of the engineers shall wear a leathern cap, painted white, with a gilded front thereto, and a fire engine blazoned thereon, and shall also carry a speaking trumpet, painted black, with the words "Chief Engineer," "Engineer No. 1," &c., as the case may be, in white, which shall also be painted on their caps respectively; and each of the Fire Wardens shall wear a hat, the brim black, the crown painted white, with the city arms blazoned on the front, and shall also carry a speaking trumpet, painted white, with the word "Warden," in black, painted thereon.

XIII. *And be it further ordained,* That the firemen of the said city shall, when on duty, wear leathern caps, in the form heretofore used; and the said caps, (except those worn by the floating engine fire company,) shall be painted and distinguished in the manner following, viz: the foreman of each of the fire engine companies, (except the floating engine company,) shall wear a cap, painted black, with a white frontispiece, and the word "Foreman," with the initials of his name and the number of his engine painted thereon, in black; and the firemen of the said fire engine companies, (except as above excepted,) shall wear a cap, painted black, with the initials of their names and the number of the engines to which they belong painted in the front thereof, in white. The foreman of each of the hook and ladder companies shall wear a cap, painted black, with a white frontispiece, and the word "Foreman," and the initials of his name, and the number of the company to which he belongs, and a hook and ladder painted thereon, in black; and the members of the said hook and ladder companies shall wear a cap, painted black, with the initials of their names and number of the company to which they belong, with a hook and ladder painted in the front

^{Caps of firemen.}

thereof, in white. And the foremen of each of the fire hose companies shall wear a cap, painted black, with a white frontispiece, and the word "Foreman," and the initials of his name and the number of the company to which he belongs, and a coil of hose painted thereon, in black; and the members of the said fire hose companies shall wear caps, painted black, with the initials of their names and the number of the company to which they belong, with a coil of hose painted thereon, in white. And the assistants to each respective company shall wear caps, painted in the same manner as that of foreman of the company, with the word "Assistant," in lieu of the word foreman. And further, that it shall be the duty of the Chief Engineer to report to the Common Council the name of every person who shall neglect or refuse to comply with the foregoing requisitions; which said person shall thereupon be removed and displaced from his station.

Aldermen
and Assist-
ants, Fire
Wardens,
Foremen
and Bell
ringers to
be notified
of fires by
the watch-
men.

XIV. *And be it further ordained,* That the names and places of abode of the members of the Common Council, Engineers, Fire Wardens, and foremen of the respective companies, and bell-ringers, shall annually, in the month of December, be printed and set up in the several watch houses in this city, by the City Inspector; and whenever any fire may happen in the night, the watchmen shall immediately give notice to each of the members of the Common Council, Engineers, Fire Wardens, foremen and bell-ringers within their respective watch districts; and it shall, moreover, be the duty of every watchman, upon the breaking out of any fire, to alarm the citizens, by crying fire, and mentioning the street where it may be, so that the firemen and citizens may thereby be generally directed where to repair, and if any watchman shall neglect so to do, he shall forfeit and pay the sum of one dollar. And if it shall happen that a chimney only shall be on fire, either by day or

night, the fire bell at the City Hall, and the bells of the several churches in this city shall not be rung; but only on occasions where a building shall be proclaimed to be on fire. And it is enjoined on the occupants to place a lighted candle at the windows of their respective buildings, when fire may happen at night, in order that citizens may pass along the streets with the greater safety.

XV. *And be it further ordained*, That it shall be the duty of the constables and marshals of this city to repair, immediately on the alarm of fire, with their staves of office, to the place where such fire may be; and there assemble, and attend to and obey such orders as may be given them by the Mayor, Recorder or any of the Aldermen or Assistant Aldermen of the said city, for the preservation of the public peace, and the removal of all idle and suspected persons, or others not actually and usefully employed in aiding the extinguishment of such fire, or in the preservation of property in the vicinity thereof. And if any constable or marshal shall not attend at such fire, or shall neglect or refuse to obey any orders that may be given him as aforesaid, he shall forfeit and pay the sum of ten dollars for each offence.

Constables
and Mar-
shals to at-
tend fires.

XVI. *And be it further ordained*, That no boat or vessel of any kind, raft, or any other obstruction shall be placed in the river so as to impede or obstruct the removal of the floating engines, and that every person who shall be guilty of placing any obstruction in front of the said floating engines as aforesaid, shall forfeit and pay the sum of fifty dollars.

Vessels not
to obstruct
floating en-
gines.

XVII. *And be it further ordained*, That the owner or occupant of every dwelling house within the city, having less than three fire-places, shall provide one leathern

Of buckets.

bucket; and having three fire-places, and less than six, two leathern buckets; and having six fire-places, and less than nine, four leathern buckets; and having nine fire-places and upwards, six leathern buckets: to be marked with at least the initial letters of the owner's name, with the number of the house to which it belongs, and the name of the street in which such house is situate. And the owner or occupant of every brew house, distillery, sugar house, soap and candle manufactory, and ship chandlery store shall provide nine leathern buckets; and the owner or occupant of every bake house and air furnace shall provide six leathern buckets over and above the buckets to be provided for their respective dwelling houses aforesaid; each of which aforesaid leathern buckets shall be capable of containing two gallons and a half of water, and shall be suspended in some convenient place, ready to be delivered and used for extinguishing fires, when any shall occur. And further, that all such leathern buckets as aforesaid shall be furnished and provided by the persons inhabiting or occupying such houses and buildings respectively as aforesaid, at the expense of the owner; and if such inhabitant or occupant be a tenant, the price of such leathern bucket shall be allowed and deducted out of the rent, unless there be a special agreement between the parties to the contrary.

Penalty. And in case of any neglect in any of the matters herein before-mentioned, the person offending shall, for every month he or she shall so neglect, forfeit the sum of one dollar and fifty cents for each leathern bucket deficient. And every inhabitant or occupant who shall refuse to deliver, on the alarm of fire, such leathern bucket or buckets belonging to such house or building which they may occupy, shall forfeit and pay fifty cents for each bucket so detained and refused to be delivered. It shall, nevertheless, be optional with any owner of a dwelling house as aforesaid, to sur-

render and deliver over to the Mayor, Aldermen and Commonalty of this city, such number of leathern buckets not exceeding one half of the whole number such dwelling house is required to have; which buckets, when surrendered and delivered over to whomsoever the Common Council shall direct, shall become public buckets; and shall be deposited in such suitable place or places, in each ward, as they shall direct, and for which the owner of every such dwelling house shall receive a certificate, from the City Inspector, exempting such dwelling house, thereafter, from so many leathern buckets as shall be so surrendered and delivered over; and the same shall also be registered in a book, to be kept for the purpose, by the City Inspector. And if any person shall detain any leathern bucket or buckets which shall have been provided or used at any fire as aforesaid, from the owner or owners thereof, above twenty-four hours, such person shall forfeit and pay, for every leathern bucket so detained, the sum of four dollars.

XVIII. *And be it further ordained*, That if any chimney, stove pipe or flue within this city, shall take fire, through neglect of being properly swept and cleansed, the occupant of the house to which such chimney appertains, shall forfeit and pay the sum of five dollars. Penalty on a chimney's taking fire.

XIX. *And be it further ordained*, That all carpenters and others using any trade by which shavings are made, shall respectively, at the close of each day, on leaving off work, cause the same to be securely stowed in some safe place, remote from danger by means of fire, under the penalty of five dollars. Carpenters, &c., to secure shavings.

XX. *And be it further ordained*, That if any person or persons shall kindle any fire in any street, road or lane, or on any wharf, (except for the purpose of boiling tar, which fire shall not be more than six feet from the end of the Of fires in the streets.

wharf,) in this city, every such person shall forfeit and pay the sum of ten dollars for every such offence.

Hay and
straw, how
to be plac-
ed.

XXI. *And be it further ordained,* That if any person or persons shall have or put, or keep any hay or straw, uncovered, in any stack or pile, or in any way exposed, within one hundred yards of any building to the southward of a line commencing at the Hudson river, and running from thence through Fitzroy road, Greenwich lane, Art street, and the Bowery, to Stanton street; and from thence through Stanton street to the East river; or shall have, put or keep to the southward of the said line, any hay, straw, hemp, flax, shavings or rushes, in any building not built of stone or brick, and covered with tile or slate, which is or shall be within ten feet of any dwelling house or chimney whatsoever, every such person shall forfeit and pay, for every such offence, twenty-five dollars, and the further sum of ten dollars for every twenty-four hours the same shall so remain, after notice being given, in writing, to the owner or person having charge thereof, by any Fire Warden, to remove the same.

Candles,
how to be
used in sta-
bles.

XXII. *And be it further ordained,* That if any owner or occupant of any stable within this city, or any person in the employment of such owner or occupant, shall use therein any lighted candle or lamp, except the same shall be securely kept within a lantern, every such person shall forfeit and pay, for every such offence, ten dollars.

Penalties,
how appro-
priated.

XXIII. *And be it further ordained,* That all the fines, penalties and forfeitures imposed by this law for not attending fires, and for not attending at the meetings for washing the fire engines and exercising the men, shall, when received, be paid to the treasurers of the respective companies aforesaid, in which the delinquencies may happen, for the use and benefit of said companies; and all the

other fines, penalties and forfeitures imposed by this law, shall, when recovered, be paid to the treasurer of the "Fire Department of the city of New York," for the use and benefit of the said Fire Department. And further, that the Chief Engineer shall, annually, on the second Monday of December, in each year, report to the Common Council the amount of the sums which may be received as aforesaid by the said Fire Department of the city of New York, and the application thereof.

XXIV. *And be it further ordained*, That it shall be lawful for the Fire Department of the city of New York, and for the respective companies before-mentioned, or persons duly authorized by them, to receive, sue for, and recover, in the name of the Mayor, Aldermen and Commonalty of the city of New York, all the fines, penalties and forfeitures hereby imposed, which may be appropriated for their respective uses as aforesaid.

Penalties,
how recovered.

Jacob Smith, junior, having made application respecting a machine for throwing down chimneys in case of fire, the Committee, to whom was referred the subject, reported that they had examined the machine, were of the opinion that it would answer a good purpose, and, as the expense would be trifling, they directed the Superintendent of Repairs to provide one.

Machine
for throw-
ing down
chimneys to
be purchas-
ed.

Which report was approved.

(Vol. 34, page 261, P. C. C., MSS.)

On the 19th of April, 1819, the same subject being before the Committee, they presented a report in favor of paying Jacob Smith, jr., for his services in superintending the said machine. The resolution appended to said report reads:

J. Smith,
jr., to be
paid for su-
perintend-
ing build-
ing of such
machine.

" *Resolved*, That the Comptroller be, and he is hereby requested to prepare a warrant in favor of Jacob Smith, jr., for the sum of fifty dollars."

Which was approved, and the Comptroller directed to report a warrant accordingly.

(Vol. 37 P. C. C., MSS., pages 427-8.)

The Committee on the Fire Department, March 11, 1818, presented a report concluding with the following resolution:

Fire limits
to be extended.

" *Resolved*, That application be made to the legislature, at their present session, to extend the limits against the erection of wooden buildings, so as to commence at the East river, at the foot of Montgomery street; up Montgomery to Cherry; thence through Cherry to Clinton; thence up Clinton to Harman; thence through Harman to Catharine; through Catharine to Chatham; thence down Chatham to Pearl; thence through Pearl to Elm; thence through Elm to Walker; thence through Walker to Beach; thence through Beach to the Hudson river; including, also, the lots of ground fronting on both sides of said streets through which the above-mentioned line runs, and including also the lots of ground fronting on both sides of Broadway, up to Art street; and that the Counsel present a bill for that purpose, agreeable to the present law, to the legislature."

Which report was approved, and the Counsel, agreeably to the request of the Committee, presented a memorial to the legislature, and the draft of a law entitled " An act in addition to an act for the more effectual prevention of fires in the city of New York."

Which was approved, and directed to be transmitted to the legislature.

(Vol. 35 P. C. C., MSS., pages 28-9.)

This law, though transmitted to the legislature, was never enacted.

In consequence of a signal neglect, (it not being an express duty,) of the sextons of the various churches in ringing the bells at a fire that occurred on the morning of the 19th of August, 1818, and a large number of the firemen thereby not being alarmed, the following *recommendation* was approved on the 24th of August, viz: "That it be made a duty of the watchmen, at the cry of fire, immediately to alarm the sextons of the different churches in the city." The churches having given instructions to the sextons to ring an alarm on being notified. (Vol. 36 P. C. C.. MSS., p. 107.)

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Watchmen on alarm of fire, to notify sextons of churches.

On the 27th of December, 1819, the Committee on the Fire Department reported, that as the fire buckets were rapidly being superseded by the use of hose, they submitted the following ordinance:

Law relative to fire buckets repealed.

Be it ordained by the Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened:

That so much of the law for preventing and extinguishing fires, passed the 5th day of May, 1817, as relates to fire buckets, be and the same is hereby repealed.

Which was approved, and the ordinance read and passed.

(Vol. 39 P. C. C., MSS., p. 325.)

The salary of the Chief Engineer, which, prior to the 28th day of February, 1820, had been eight hundred dollars per annum, was on that day reduced to the sum of five hundred dollars per annum. (Vol. 40 P. C. C., MSS., page 103.)

Salary of Chief Engineer.

Upon petition, reported on the 29th of May, 1820, the following resolution was passed:

Firemen to
receive cer-
tificate of
service.

Resolved, That the Clerk of this Board be, and he is hereby authorized to give a certificate to such firemen as may apply, and provide sufficient testimony that they, the said firemen, have served the time required by law."

Which was approved, and the resolution adopted.

(Vol. 41 P. C. C., MSS., p. 40.)

On the 5th day of June, 1820, the Special Committee, to whom was referred the subject of appointing Health Wardens, under the act of the 14th day of April, 1820, reported the following resolutions:

Health
Wardens.

Resolved, That it is expedient to appoint Health Wardens.

Fire War-
dens to act
as Health
Wardens.

Resolved, That the Fire Wardens of the city be clothed with authority to discharge the duties of Health Wardens under the act of the 14th April last, and that they be placed, for that purpose, under the direction and control of the Board of Health.

Counsel to
prepare or-
dinance.

Resolved, That the Counsel of the Board be directed to prepare an ordinance in conformity to the above resolutions.

Which was approved, and the resolutions adopted.

(Vol. 41 P. C. C., MSS., pages 70-1.)

Clerk to
correct mis-
takes in
names.

On a communication from the Chief Engineer, stating that mistakes sometimes occurred in the returns of the names of persons to be appointed as Fire Wardens and firemen, by omitting a letter, &c., to the name, which was immaterial, the Clerk of the Common Council was authorized to correct such mistakes on the minutes. (Vol. 41 P. C. C., pp. 319-20.

A LAW for preventing and extinguishing fires.

PASSED December 26, 1820.

Be it ordained by the Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened:

That the Fire Department of the said city shall consist of a Chief Engineer, who shall have an annual salary of five hundred dollars, payable quarterly, and as many other engineers, fire wardens, fire enginemen, hosemen and hook and laddersmen, as are or may, from time to time, by the said Common Council, be duly appointed; and who shall be respectively distinguished by the several appellations aforesaid.

Fire Department,
of whom to consist.

II. *And be it further ordained,* That the Chief Engineer shall, in all cases of fire, have the sole and absolute control and command over all the engineers and other persons of the Fire Department; and it shall be the duty of the said Chief Engineer to direct the other engineers to take proper measures that the several fire engines be arranged in the most advantageous situations, and be duly worked for the effectually extinguishing of fires. And it shall, moreover, be the duty of the said Chief Engineer to examine, twice in every year, into the condition and number of the fire engines, fire buckets, and other fire apparatus, and fire engine houses belonging to the Corporation, and report the same, once a year, to the Common Council, together with the names of all the members of the Fire Department, and the respective associations to which they belong; which shall be published in the month of June, in every year, by the City Inspector, in the newspapers employed by the

Chief Engineer, his duties.

Common Council. And whenever any of the said fire engines and other fire apparatus shall require to be repaired, the Chief Engineer, under the direction of the Committee on the Fire Department, shall cause the same to be well and sufficiently done. And it shall, moreover, be the duty of the Chief Engineer to report, in writing, all accidents by fire that may happen in this city, with the causes thereof, as well as can be ascertained, and the number and description of the buildings destroyed or injured, together with the names of the owners and occupants, to the City Inspector, who shall keep a faithful register of the same.

Fire Ward-
ens, how
appointed.

III. *And be it further ordained*, That so many of the freeholders or freemen of the said city as the Common Council thereof may deem proper, shall, from time to time, be appointed in each of the wards of the said city, to be denominated Fire Wardens; each of whom shall be assigned and attached by the Mayor of the said city, to such company of firemen, having charge of a fire engine, as he may think proper; and shall report himself to the Chief or other engineer, at every fire. And each Fire Warden shall have a certificate, under the seal of the Mayoralty, setting forth his appointment as a Fire Warden, and the company of firemen to which he may be attached.

To be divi-
ded into
companies,
and to
make rules
and regula-
tions.

IV. *And be it further ordained*, That the Fire Wardens of each ward shall form a separate company; and that each of the said companies shall and may choose, out of their own number, a foreman and clerk, in such manner, and at such times as they may think proper; and each company may make rules regulating the time and manner of conducting their elections, and imposing such fines upon the members as, in their judgment, may best secure the performance of the duties of the said Fire Wardens, both at fires, and visiting the buildings, and in other duties in

their several districts; and disobedience to such rules shall be reported, by each company, to the Common Council, and shall subject the Fire Warden, so disobeying, to removal by the Common Council.

V. *And be it further ordained*, That whenever a vacancy shall happen in any of the said companics, the company where the same shall happen, may recommend, through the Chief Engineer, to the Common Council, for approbation, a suitable person to fill such vacancy; but none other than those who have been firemen for at least five years shall be so recommended. vacancies, now filled.

VI. *And be it further ordained*, That the said wardens, when attending fires, shall be subject to the direction of the Chief Engineer, and the other engineers of the Fire Department. Fire Wardens subject the direction of the Engineers.

VII. *And be it further ordained*, That it shall be the duty of the said Fire Wardens, immediately on the alarm of fire, to repair to the place where it may be, and aid and assist in procuring supplies of water to the fire engines to which they shall respectively be assigned and attached, and to such other fire engines as the Chief Engineer or other engineer may direct them to attend. It shall also be the duty of the said Fire Wardens to prevent the hose from being trodden on, and to keep all idle and suspected persons at a proper distance from the fire, and from the vicinity, and the citizens are hereby enjoined to comply with the orders and directions of the said Fire Wardens in the premises. Duty of Wardens.

VIII. *And be it further ordained*, That each of the said companies shall divide their ward into districts, and that the foreman of the company shall attach one or more of Wards to be divided into inspection districts.

the members of the said company to each of the said districts, for the purpose of making the visitation and examination directed in the next following section; who shall keep a record of the names of the occupants of the houses, and the number of the same, wherein they shall observe any violations of this law, or of the act for the more effectual prevention of fires, and annually, in the month of January, exhibit a transcript of the same to their foreman, and the said foreman shall report to the Chief Engineer, in the month of June, annually, the name, residence and occupation of each of the wardens of his company; and to the Common Council all neglects on the part of any of the wardens of his company to comply with the requisitions of this section, and every warden, so neglecting his duty, shall be removed from his office.

Wardens
to examine
houses, &c.,
and to give
directions,
&c.

IX. *And be it further ordained*, That it shall be the duty of the said Fire Wardens, twice in every year, namely: in the months of June and December, and as much oftener as they may think proper, to examine the dwelling houses and other buildings in their respective wards, for the purpose of ascertaining all violations of the act for the more effectual prevention of fires in the city of New York, and also to examine the fire-places, hearths, chimneys, stoves and the pipes thereto, ovens, boilers, kettles, and also all chemical apparatus which, in their opinion, may be dangerous in causing or promoting fires, and also the places where ashes may be deposited; and, upon finding any of them defective or dangerous, they, or either of them, shall direct the owner or occupant, either by a printed or written notice, to alter, remove, or amend the same, in such manner, and within such reasonable time as they, or either of them, may judge necessary; and in case of neglect or refusal so to do, the party offending shall forfeit and pay the sum of twenty-five dollars, and for every day after the time allotted as aforesaid

to alter, remove or amend the same, in conformity with the directions aforesaid, the party so offending shall forfeit and pay the further sum of five dollars. And all the expenses of any removal, alteration or amendment, as aforesaid, shall be paid, in the first instance by the occupant, but shall be chargeable against the owner of such dwelling house or other building, and shall be deducted from the rent of the same, unless such expense be rendered necessary by the act or default of such occupant, or unless there be a special agreement to the contrary between the parties. And it shall, moreover, be the duty of the Fire Wardens, or either of them, at such time as aforesaid, to enter into, and examine all buildings, livery and other stables, hay boats or vessels, and places where any gunpowder, hemp, flax, tow, hay, rushes, fire-wood, boards, shingles, shavings or other combustible materials may be lodged, and give such directions, in writing, in the premises, as may be deemed necessary by them or him, relative to the removal thereof; and in case of neglect or refusal on the part of the possessor of such combustible materials, or any of them, to remove or secure the same within the time and in the manner directed by the said Fire Wardens, or either of them, the party offending shall forfeit and pay the sum of twenty-five dollars, and the further sum of five dollars for every day's neglect to remove the same after being so notified.

X. *And be it further ordained*, That the duties prescribed by the foregoing section of this ordinance shall be performed in each district by the warden or wardens attached to such district, who shall make an immediate report to the foreman, who shall record the same in a book to be kept for that purpose, of all persons neglecting or refusing to comply with the orders and directions aforesaid, together with

Reports to
be made to
the fore-
men.

the circumstances of each case; and shall also make report whether any, and what cases of violations of the laws of this state, prohibiting the construction of wooden buildings, within certain limits in this city, have come to his knowledge; and in case of any violation of such law, he shall particularly report the names of the owner or owners of the building, and of the master builder, and the particular circumstances of each case; and in case of neglecting to report as aforesaid, such warden shall forfeit and pay the sum of ten dollars. But it is hereby expressly declared, that the foreman or any of the wardens of the ward, may give such orders and directions as are above authorized and directed in and by the ninth section of this law, in case the same shall not be given by the warden of the district where the danger exists or is apprehended.

Firemen;

XI. *And be it further ordained*, That the firemen shall be divided into companies, to consist of as many members as the Common Council shall, from time to time, direct, to attend to the fire engines, hose wagons and hooks and ladders belonging, or that may hereafter belong to the Corporation of this city, or such hose wagons and hooks and ladders as the Common Council shall direct; and that each of the said companies shall and may choose, out of their own number, a foreman, assistant and clerk, in such manner, and at such times as they may think proper. And it shall be the duty of the said firemen, as often as any fire shall break out in the said city, to repair, immediately upon the alarm thereof, to their respective engines, hose wagons, hooks and ladders, and convey them to or near the place where such fire shall happen, and there, in conformity with the directions given by the Chief Engineer or other engineers, shall work and manage the said engines, or apparatus and implements, with all their skill and power;

and when the fire is extinguished, shall not remove therefrom but by the permission of an engineer; when they shall return their respective hose wagons, hooks and ladders, engines and apparatus, well washed and cleansed, to their several places of deposit. And for the more effectually perfecting the firemen in their duty, and keeping and preserving the said fire engines and other implements and apparatus from decay, the said firemen shall, in the months of May, June, July, August, September, October and November, draw out the said fire engines and other implements, in order to wash and cleanse them, and to exercise the men; and if any fireman shall neglect the said duty, he shall forfeit and pay the sum of one dollar for every default; and if he shall neglect to attend at any fire as aforesaid, or leave his fire engine or other apparatus while at any fire, without permission, or shall neglect to perform his duty on such occasion, without reasonable excuse, he shall, for every default, forfeit and pay the sum of three dollars; and if any fireman shall neglect to do his duty as such, in attending at fires, or in any washing, exercising, managing, trying or using the said fire engine, or other implements or apparatus provided for extinguishing fires, every such person shall, besides the fines and penalties aforesaid, be removed and displaced from his station. And whenever any fireman is appointed to supply any vacancy in any company as aforesaid, it shall be his duty to call on the treasurer of the Fire Department, and procure a certificate, within one month from the date of his appointment, specifying the name and number of the company to which such fireman shall be elected. And any fireman re-elected, shall obtain a new certificate as aforesaid. And it shall be the duty of the Chief Engineer to certify, on every return, whether a vacancy exists in the company.

XII. *And be it further ordained*, That in order that the How Aldermen, Amis-

tants, En-
gineers and
Fire War-
dens are to
be distin-
guished.

members of the Common Council, Engineers and Fire Wardens may be more readily distinguished at fires, the Mayor, Recorder, Aldermen and Assistants, shall severally bear, on those occasions, a wand with a gilded flame on the top; and each of the engineers shall wear a leathern cap, painted white, with a gilded front thereto, and a fire engine blazoned thereon, and shall also carry a speaking trumpet, painted black, with the words "Chief Engineer," "Engineer No. 1," &c., as the case may be, in white, which shall also be painted on their caps respectively; and each of the Fire Wardens shall wear a hat, the brim black, the crown painted white, with the city arms blazoned on the front, and shall also carry a speaking trumpet, painted white, with the word "Warden," in black, painted thereon.

Caps of
firemen.

XIII. *And be it further ordained*, That the firemen of the said city shall, when on duty, wear leathern caps, in the form heretofore used; and the said caps, shall be painted and distinguished in the manner following, viz: the foreman of each of the fire engine companies shall wear a cap, painted black, with a white frontispiece, and the word "Foreman," with the initials of his name and the number of his engine painted thereon, in black; the firemen of the said fire engine companies, shall wear a cap, painted black, with the initials of their names and the number of the engines to which they belong painted in the front thereof, in white. The foreman of each of the hook and ladder companies shall wear a cap, painted black, with a white frontispiece, and the word "Foreman," and the initials of his name, and the number of the company to which he belongs, and a hook and ladder painted thereon, in black; and the members of the said hook and ladder companies shall wear a cap, painted black, with the initials of their names and the number of the company to which they belong, with a hook and ladder painted in front

thereof, in white. And the foreman of each of the fire hose companies shall wear a cap, painted black, with a white frontispiece, and the word "Foreman," and the initials of his name and the number of the company to which he belongs, and a coil of hose painted thereon, in black; and the members of the said fire hose companies shall wear caps, painted black, with the initials of their names and the number of the company to which they belong, with a coil of hose painted thereon, in white. And the assistants to each respective company shall wear caps, painted in the same manner as that of the foreman of the company, with the word "Assistant," in lieu of the word foreman. And further, that it shall be the duty of the Chief Engineer to report to the Common Council the name of every person who shall neglect or refuse to comply with the foregoing requisitions; which said person shall thereupon be removed and displaced from his station.

XIV. *And be it further ordained*, That the names and places of abode of the members of the Common Council, Engineers, Fire Wardens, and foremen of the respective companies, and bell-ringers, shall annually, in the month of June, be printed and set up in the several watch houses of this city, by the City Inspector; and whenever any fire may happen in the night, the watchmen shall immediately give notice to each of the members of the Common Council, Engineers, Fire Wardens, foremen and bell-ringers within their respective watch districts; and it shall, moreover, be the duty of every watchman, upon the breaking out of any fire, to alarm the citizens, by crying fire, and mentioning the street where it may be, so that the firemen and citizens may thereby be generally directed where to repair, and if any watchman shall neglect so to do, he shall forfeit and pay the sum of one dollar. And if it shall hap-

Aldermen
and Assist-
ants, Fire
Wardens,
Foremen
and Bell
ringers to
be notified
of fires by
the watch-
men.

pen that a chimney only shall be on fire, either by day or by night, the fire bell at the City Hall, and the bells of the several churches in the city shall not be rung; but only on occasions when a building shall be proclaimed to be on fire. And it is enjoined on the occupants to place a lighted candle at the windows of their respective buildings when fire may happen at night, in order that the citizens may pass along the streets with the greater safety.

Constables
and Marsh-
als to at-
tend fires.

XV. *And be it further ordained*, That it shall be the duty of the constables and marshals of this city to repair, immediately, on the alarm of fire, with their staves of office, to the place where such fire may be; and it shall be the duty of the constables then and there to report themselves to the high constable; and of the marshals, then and there to report themselves to the first marshal; and to conform to such orders as may be given them by the Mayor, Recorder or any of the Aldermen or Assistant Aldermen of the said city, for the preservation of the public peace, and the removal of all idle and suspected persons, or others not actually or usefully employed in aiding the extinguishment of such fire, or in the preservation of property in the vicinity thereof. And if any constable or marshal shall not attend at such fires, or shall neglect so to report himself, or to obey any orders that may be given him as aforesaid, he shall forfeit and pay the sum of *ten dollars* for each offence.

Penalty for
chimneys
being on
fire.

XVI. *And be it further ordained*, That if any chimney, stove pipe or flue within this city shall take fire, the occupant of the house to which such chimney, stove pipe or flue appertains, shall forfeit and pay the sum of *five dollars*.

Carpenters,
&c., to se-
cure shav-
ings.

XVII. *And be it further ordained*, That all carpenters and others making or using any shavings, shall respectively, at the close of each day, cause the same to be securely

stored in some safe place, remote from danger by means of fire, under the penalty of *five dollars*.

XVIII. *And be it further ordained*, That if any person or persons shall kindle any fire in any street, road or lane, or on any pier or bulkhead in this city, (except for the purpose of boiling tar; which fire shall not be more than six feet from the bulkhead or the end of the pier,) every such person shall forfeit and pay the sum of *ten dollars* for every such offence. Of fires in streets.

XIX. *And be it further ordained*, That if any person or persons shall have, put or keep any hay or straw, uncovered, in any stack or pile, or in any other way exposed, within one hundred yards of any building to the southward of a line commencing at the Hudson river, and running from thence through Fitzroy street, Greenwich lane, Art street and the Bowery to Stanton street; from thence through Stanton street to the East river; or shall have, put or keep to the southward of said line, any hay, straw, hemp, flax, shavings or rushes, in any building not built of stone or brick, and covered with tile or slate, or other fire proof materials, which is or shall be within ten feet of any dwelling house or chimney whatsoever, every such person shall forfeit and pay, for every such offence, the sum of *twenty-five dollars*, and the further sum of *ten dollars* for every twenty-four hours the same shall so remain, after a printed or written notice has been given to the owner or person having charge thereof, by any Fire Warden, to remove the same. Hay and straw, how to be placed

XX. *And be it further ordained*, That if any owner or occupant of any stable within this city, or any person in the employment of such owner or occupant shall use therein, any lighted candle or lamp, except the same shall be Candles, how to be used in stables.

securely kept within a lantern, every such person shall forfeit and pay, for such offence, the sum of *ten dollars*.

Penalties,
how appro-
priated.

XXI. *And be it further ordained*, That all the fines, penalties and forfeitures imposed by this law, for not attending fires, and for not attending the meetings for washing the fire engines and for exercising the men, shall, when received, be paid to the treasurers of the respective companies aforesaid, in which the delinquencies may happen, for the use and benefit of said companies; and that all the other fines, penalties and forfeitures imposed by this law shall, when recovered, be paid to the treasurer of the "Fire Department of the city of New York," for the use and benefit of the said Fire Department. And further, that the Chief Engineer shall, annually, on the second Monday of December, in each year, report to the Common Council the amount of the sums which may be received by the said Fire Department of the city of New York, and the application thereof.

Penalties,
how recov-
ered.

XXII. *And be it further ordained*, That it shall be lawful for the Fire Department of the city of New York, and for the respective companies aforementioned, or persons duly authorized by them, to receive, sue for, and recover, in the name of the Mayor, Aldermen and Commonalty of the city of New York, all the fines, penalties and forfeitures hereby imposed, which shall be appropriated for their respective uses as aforesaid.

Firemen
not to be
elected un-
der a cer-
tain age.

XXIII. *And be it further ordained*, That no person shall be elected a fireman until he shall have attained the age of twenty-one years; and it shall be the duty of the foremen of the respective fire companies, when they report to the Chief Engineer the names of the persons elected firemen, to certify that the persons so elected are at least twenty-one years of age.

XXIV. *And be it further ordained*, That it shall be the duty of the Clerk of the Common Council to furnish the certificates required to be furnished to the firemen, without fee or reward. Certificates

A memorial and bill, to be enacted into a law, entitled "An act for the more effectual prevention of fires in the city of New York," was approved on the 26th day of March, 1822, (vide P. C. C., vol. 45, MSS., p. 88,) and directed to be duly authenticated and transmitted to the legislature. Act passed
April 22,
1822.

This bill became a law on the 12th day of April, 1822, and will be found under its appropriate date in the "Session Laws."

On the 29th of April, 1822, his Honor the Mayor laid before the Common Council certified copies of the aforesaid law, which was published in the newspapers employed by the Corporation.

A memorial from the Committee on the Fire Department, on the 18th day of March, 1822, was presented to amend the law for preventing and extinguishing fires. Amending
laws relative to
extinguishing
&c., fires.

This was referred to the Committee on the Fire Department, and by them to the Counsel, who drafted the following:

A LAW to amend a law entitled "*A law for preventing and extinguishing fires.*"

PASSED 10th June, 1822.

Be it ordained by the Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened:

That whenever the office of any of the engineers of the Fire Department shall become vacant, it shall be the duty Vacancy in
the office of
Engineers,
how filled.

of the engineers of that department to nominate five persons from among the firemen of said city, as suitable persons to supply such vacancy, and to give notice thereof to the foremen of the fire companies, and to require them to meet at such time and place as the said engineers shall appoint; and that the said engineers and foremen shall then and there, or at such other time and place as they may appoint, by joint ballot, designate from the persons so nominated, the person whom they may wish to fill such vacancy; and that no person shall be considered as so designated who shall not receive a majority of all the votes which shall be given.

One or
more va-
cancies,
how filled.

And be it further ordained, That if more than one such vacancy shall exist at the same time, that then the said engineers shall, after the designation of one person as aforesaid, add one more name to their said list, and the said engineers and foremen shall proceed, by joint ballot, as aforesaid, to designate from the said list one other person for the purpose aforesaid. And for every such additional vacancy a further designation shall be made in the same manner.

And be it further ordained, That it shall be the duty of the Chief Engineer to report the names of the persons who may be so designated to the Common Council, as being the persons designated by the engineers and foremen as suitable persons to be appointed by the Common Council to fill such vacancies.

The above ordinance, submitted by the Counsel on the 27th May, and referred to the Fire Department, was reported on the 10th of June, 1822, and passed. (P. C. C., vol. 45 of MSS., p. 384.)

Value of
property
vested in
the Fire De-
partment,
1820.

The value of the estate vested in the Fire Department as public property in 1820, was seventy-two thousand seven hundred and eighty-nine dollars.

The number of engines, including hook and ladder companies, in employ in January, 1823, were forty-seven, to which were attached one thousand two hundred and fifteen members, engineers and fire wardens not included. (P. C. C., vol. 47 of MSS., p. 16.)

An extension of the fire limits was petitioned for on the 4th of February, 1823, which was referred and reported on the 24th of the same month. Subsequently, by order, the Attorney to the Corporation presented, on the 3d of March, a memorial to the legislature, and corresponding bill, for extending the said fire limits; which were approved, directed to be duly authenticated, and transmitted to the legislature. The result of which was the passage of the law of April 9, 1823, in relation to the above subject, (vide Laws of 46th Session, Chap. 122,) which was laid, by his Honor, Mayor Allen, before the Common Council on the 14th of April, 1823.

On the 24th of February, 1823, the Committee on the Fire Department represented that frequent complaints were made of firemen running their engines on the side-walks, and to prevent the same, and for some further regulations they presented an ordinance, which was read and laid on the table. (P. C. C., vol. 47 of MSS., p. 212.)

The ordinance reads as follows:

A LAW respecting firemen and fires.

PASSED March 3d, 1823.

Be it ordained by the Mayor and Commonalty of the city of New York, in Common Council convened:

§ 1. That no fire engine nor hook and ladder. nor hose cart shall, in going to or in returning from any fire, or at Apparatus not to be run on the sidewalk.

any other time, be run or wheeled upon any of the sidewalks of any of the public streets of this city, except by the special order of one of the engineers, under the penalty of twenty-five dollars for each offence, to be recovered in an action of debt, in the name of the Mayor, Aldermen and Commonalty of the city of New York, from and against any and every person aiding or assisting in, or consenting to the violation of the provisions of this section.

Two firemen at least to be present before apparatus is taken from the house.

§ 2. *And be it further ordained*, That no fire engine, hook and ladder cart, or hose cart shall, during the existence of any fire in this city, or report of fire, or at any time, under any pretence whatever, be taken or moved out of the house, except the foreman or assistant foreman, or at least two of the firemen belonging to such company shall be present and consent thereto, under the penalty of ten dollars. to be recovered in like manner as hereinbefore provided, from and against any and every person aiding or assisting in, or consenting to the violation of the provisions of this section.

Engineers, &c., to report violations of ordinances.

Penalties, how collected.

§ 3. *And be it further ordained*, That it shall be the duty of the several engineers, and every foreman and assistant of any such company, to report all violations of this ordinance, and that the penalties under this law shall be sued for and collected, according to the provisions of the twenty-second section of a law entitled "A law for preventing and extinguishing fires," passed December 26th, 1820.

The above ordinance was called up on the 3d of March, 1823, and read by paragraphs, and passed, under the title of a "A law respecting fires and firemen. (P. C. C., vol. 47 of MSS, p. 258.)

A LAW for preventing and extinguishing fires, passed by the Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened, on the 27th day of October, 1823.

Be it ordained by the Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened:

I. That the Fire Department of the said city shall consist of a Chief Engineer, and as many other engineers, fire wardens, fire enginemen, hosemen and hook and ladder-men, as are or may, from time to time, be appointed by the Common Council; and who shall be respectively distinguished by the several appellations aforesaid.

Fire Department, of whom to consist.

II. *And be it further ordained*, That whenever any office in the Engineer Department shall become vacant, it shall be the duty of the engineers to nominate five persons, being firemen of the said city, as suitable persons to supply such vacancy, and give notice thereof to the foremen of the fire companies respectively, and to require them to meet at such time and place as the engineers shall appoint. And that the said engineers and foremen shall, then and there, or at such other time and place as they may appoint, by joint ballot, designate, from the persons so nominated, by a majority of the votes which shall be given, the person whom they may wish to fill such vacancy.

How vacancies are to be supplied.

III. *And be it further ordained*, That if more than one such vacancy shall exist at the same time, it shall be the duty of the said engineers, after the designation of one person as aforesaid, to add the name of one other fireman

How to proceed if two or more vacancies exist.

to the said list, and the engineers and foremen shall thereupon proceed, by joint ballot, as aforesaid, to designate, from the said list, one other person for the purpose aforesaid; and a further nomination and designation shall be made, in like manner, for every such additional vacancy.

Chief Engineer to report the names of those designated to Common Council.

IV. *And be it further ordained*, That it shall be the duty of the Chief Engineer to report the names of the persons who may be so designated to the Common Council, as being the persons designated by the engineers and foremen, as suitable persons to be appointed by the Common Council to fill such vacancies.

Engines, &c., not to go on side-walks without special order.

Penalty.

V. *And be it further ordained*, That no fire engine, nor hook and ladder, nor hose cart shall, in going to or returning from any fire, or at any other time, be run, driven, wheeled, or placed upon any side-walk, except by the special order of one of the engineers, under the penalty of *twenty-five dollars* for each offence, to be forfeited and paid by, and recovered from any and every person aiding or assisting in, or consenting to the violation of any of the provisions of this section, and if any offence against this section shall be committed by any fireman, he shall, moreover, be removed from his station as such fireman.

Engines, &c., not to be removed, unless foreman or assistant foreman, or two firemen are present.

VI. *And be it further ordained*, That no such fire engine, hook and ladder, or hose cart, during any fire in this city, or any report of fire, or at any time, under any pretence whatever, shall be taken or removed out of its house, unless the foreman or assistant foreman, or at least two of the firemen of the company to which the same shall belong shall be present and consent thereto, under the penalty of *ten dollars* for every such offence, to be forfeited and paid by, and recovered from any and every person aiding or assisting in, or consenting to the violation of any of the provisions of this section.

VII. *And be it further ordained*, That it shall be the duty of the several engineers, and of every foreman and assistant foreman of every fire company, to report all violations of this ordinance to the treasurer of the Fire Department.

Duty of engineers, &c. to report violations.

VIII. *And be it further ordained*, That the Chief Engineer shall, in all cases of fire, have the sole and absolute control and command over all the engineers and other persons of the Fire Department; and it shall be the duty of the said Chief Engineer to direct the other engineers to take proper measures that the several fire engines be arranged in the most advantageous situations, and be duly worked for the effectually extinguishing of fires. And it shall, moreover, be the duty of the said Chief Engineer to examine, twice in every year, into the condition and number of the fire engines, fire buckets, and other fire apparatus, and fire engine houses belonging to the Corporation, and report the same, once a year, to the Common Council, together with the names of all the members of the Fire Department, and the respective associations to which they belong. And whenever any of the said fire engines and other fire apparatus shall require to be repaired, the Chief Engineer, under the direction of the Committee on the Fire Department, shall cause the same to be well and sufficiently done. And it shall, moreover, be the duty of the Chief Engineer to report, in writing, all accidents by fire that may happen in this city, with the causes thereof, as well as they can be ascertained, and the number and description of the buildings destroyed or injured, together with the names of the owners and occupants, to the City Inspector, who shall keep an accurate register of the same.

Chief Engineer's duties.

IX. *And be it further ordained*, That so many of the freeholders or freemen of the said city as the Common Council may deem proper, shall, from time to time, be ap-

Fire Wardens, how appointed.

pointed in each of the wards of the said city, to be denominated Fire Wardens; each of whom shall be assigned and attached by the Mayor of the said city, to such company of firemen, having charge of a fire engine, as he shall think proper; and shall report himself to the Chief or other engineer, at every fire. And each Fire Warden shall have a certificate, under the seal of the mayoralty, stating his appointment as a Fire Warden, and the company of firemen to which he shall be attached.

To be divided into companies, and to make rules and regulations.

X. *And be it further ordained*, That the Fire Wardens of each ward shall form a separate company; and each of the said companies shall and may choose, out of their own number, a foreman and clerk, in such manner, and at such times as they may think proper; and each company may make rules regulating the time and manner of conducting their elections, and imposing such fines upon the members as, in their judgment, may best secure the performance of the duties of the said Fire Wardens, both at fires, and visiting the buildings, and in other duties in their several districts; and disobedience to such rules shall be reported, by each company, to the Common Council, and shall subject the Fire Warden, so disobeying, to removal by the Common Council.

Vacancies, how to be filled.

XI. *And be it further ordained*, That whenever a vacancy shall happen in any of the said companies, the company in which the same shall happen, may recommend, through the Chief Engineer, to the Common Council, for approbation, a suitable person to fill such vacancy; but none other than those who have been firemen at least five years shall be so recommended.

Fire Wardens subject to the di-

XII. *And be it further ordained*, That the said wardens, when attending fires, shall be subject to the direction of

the Chief Engineer, and the other engineers of the Fire Department. rection of the engi-neers.

XIII. *And be it further ordained,* That it shall be the duty of the said Fire Wardens, immediately on the alarm of fire, to repair to the place where it may be, and aid and assist in procuring supplies of water to the fire engines to which they shall be respectively assigned and attached, and to such other fire engines as the Chief Engineer or other engineer may direct them to attend. It shall also be the duty of the said Fire Wardens to prevent the hose from being trodden on, and to keep all idle and suspected persons at a proper distance from the fire, and from the vicinity, and the citizens are hereby enjoined to comply with the orders and directions of the said Fire Wardens in the premises. Duty of Wardens.

XIV. *And be it further ordained,* That each of the said companies shall divide their ward into districts, and the foreman of the company shall attach one or more of the members of the said company to each of the said districts, for the purpose of making the visitation and examination directed in the next following section; who shall keep a record of the names of the occupants of the houses, and the number of the same, wherein they shall observe any violations of this law, or of the act for the more effectual prevention of fires, and annually, in the month of January, exhibit a transcript of the same to their foreman, and the said foreman shall report to the Chief Engineer, in the month of June, annually, the name, residence and occupation of each of the wardens of his company; and to the Common Council all neglects on the part of any of the wardens of his company to comply with the requisitions of this section, and every warden, so neglecting his duty, shall be removed from his office. Wards to be divided into inspection districts.

Wardens to
examine
houses, &c.,
and to give
directions,
&c.

XV. And be it further ordained, That it shall be the duty of the said Fire Wardens, twice in every year, viz: in the months of June and December, and as much oftener as they may think proper, to examine the dwelling houses and other buildings in their repective wards, for the purpose of ascertaining all violations of the act for the more effectual prevention of fires in the city of New York, and also to examine the fire-places, hearths, chimneys, stoves and the pipes thereto, ovens, boilers, kettles, and also all chemical apparatus which, in their opinion, may be dangerous in causing or promoting fires, and also the places where ashes may be deposited; and, upon finding any of them defective or dangerous, they, or either of them, shall direct the owner or occupant, either by a printed or written notice, to alter, remove, or amend the same, in such manner, and within such reasonable time as they, or either of them, may judge necessary; and in case of neglect or refusal so to do, the party so offending shall forfeit and pay the sum of twenty-five dollars, and for every day after the time allotted as aforesaid to alter, remove or amend the same, in conformity with the directions aforesaid, the party so offending shall forfeit and pay the further sum of five dollars. And all the expenses of any removal, alteration or amendment, as aforesaid, shall be paid, in the first instance by the occupant, but shall be chargeable against the owner of such dwelling house or other building, and shall be deducted from the rent of the same, unless such expense be rendered necessary by the act or default of such occupant, or unless there be a special agreement to the contrary between the parties. And it shall, moreover, be the duty of the Fire Wardens, or either of them, at such time as aforesaid, to enter into, and examine all buildings, livery and other stables, hay boats or vessels, and places where any gunpowder, hemp, flax, tow, hay, rushes, fire-wood, boards,

shingles, shavings or other combustible materials may be lodged, and give such directions, in writing, in the premises, as may be deemed necessary by them or him, relative to the removal thereof; and in case of neglect or refusal on the part of the possessor of such combustible materials, or any of them, to remove or secure the same within the time and in the manner directed by the said Fire Wardens, or either of them, the party offending shall forfeit and pay the sum of twenty-five dollars, and the further sum of five dollars for every day's neglect to remove or secure the same after being so notified.

XVI. *And be it further ordained*, That the duties prescribed by the foregoing section shall be performed within each district by the warden or wardens attached to such district, who shall make an immediate report to the foreman, who shall record the same in a book to be kept for that purpose, of all persons neglecting or refusing to comply with the orders and directions aforesaid, together with the circumstances of each case; and shall also make report whether any, and what cases of violations of the laws of this state, prohibiting the construction of wooden buildings, within certain limits in this city, have come to his knowledge; and in case of any violation of such law, he shall particularly report the name of the owner or owners of the building, and of the master builder, and the particular circumstances of each case; and in case of neglecting to report as aforesaid such warden or wardens shall forfeit and pay the sum of ten dollars. But it is hereby expressly declared, that the foreman or any of the wardens of the ward, may give such orders and directions as are authorized and directed in and by the preceding section of this law, in case the same shall not be given by the warden of the district where the danger exists or is apprehended.

Report to
be made to
the fore-
man.

Firemen to
be divided
into com-
panies.

Officers of
companies.

XVII. *And be it further ordained*, That the firemen shall be divided into companies, to consist of as many members as the Common Council shall from time to time direct, to attend to the fire engines, hose wagons and hooks and ladders belonging, or that may hereafter belong to the Corporation of this city, or to such hose wagons and hooks and ladders as the Common Council shall direct; and that each of the companies shall and may choose, out of their own number, a foreman, assistant and clerk, in such manner, and at such times as they may think proper. And it shall be the duty of the said firemen, as often as any fire shall break out in the said city, to repair, immediately upon the alarm thereof, to their respective engines, hose wagons, hooks and ladders, and convey them to or near the place where such fire shall happen, unless otherwise directed by the Chief or other engineer; and there, in conformity with the directions given by the Chief Engineer or other engineers, shall work and manage the said engines, or apparatus and implements, with all their skill and power; and when the fire is extinguished, shall not remove therefrom but by the permission of an engineer; and on such permission they shall return their respective hose wagons, hooks and ladders, engines and apparatus, well washed and cleansed, to their several places of deposit. And for the more effectually perfecting the firemen in their duty, and keeping and preserving the said fire engines and other implements and apparatus from decay, the said firemen shall, in the months of May, June, July, August, September, October and November, draw out their said fire engines and other implements, in order to wash and cleanse them, and to exercise the men; and if any fireman shall neglect the said duty, he shall forfeit and pay for every default the sum of one dollar; and if he shall neglect to attend at any fire as aforesaid, or leave his fire engine or other apparatus while at any fire, with-

out permission, or shall neglect to do his duty on such occasion, without reasonable excuse, he shall, for every default, forfeit and pay the sum of three dollars; and if any fireman shall neglect to do his duty as such, in attending at fires, or in washing, exercising, managing, trying or using the said fire engine, or other implements or apparatus provided for extinguishing fires, every such person shall, besides the fines and penalties aforesaid, be removed from his station. And whenever any fireman is appointed to supply any vacancy in any company, it shall be his duty to call on the treasurer of the Fire Department, and procure a certificate, within one month from the date of his appointment, specifying the name and number of the company to which such fireman shall be elected. And any fireman, after being re-elected, shall obtain a new certificate as aforesaid. And it shall be the duty of the Chief Engineer to certify, on every return, whether a vacancy exists in the company.

Removal of
firemen,
and vacan-
cy filled for
neglect of
duty.

XVIII. *And be it further ordained,* That in order that the members of the Common Council, Engineers and Fire Wardens may be more readily distinguished at fires, the Mayor, Recorder, Aldermen and Assistants, shall severally bear, on those occasions, a wand, with a gilded flame at the top; and each of the engineers shall wear a leathern cap, painted white, with a gilded front thereto, and a fire engine emblazoned thereon, and shall also carry a speaking trumpet, painted black, with the words "Chief Engineer," "Engineer No. 1," &c., as the case may be, in white, which shall also be painted on their caps respectively; and each of the Fire Wardens shall wear a hat, with the brim black, the crown painted white, and the city arms blazoned on the front, and shall also carry a speaking trumpet, painted white, with the word "Warden," in black, painted thereon.

How Alder-
men, As-
sistants,
Engineers
and Fire-
Wardens
are to be
distinguish-
ed at fires.

Caps of the
firemen.

XIX. *And be it further ordained*, That the foremen of engine companies, and the firemen shall, when on duty, wear leathern caps, in the form heretofore used; and the said caps shall be painted and distinguished in the manner following, viz: the cap of each foreman shall be painted black, with a white frontispiece, and the word "Foreman," with the initials of the name of the foreman, and the number of the engine to which he belongs painted thereon, in black; the cap of each fireman shall be painted black, with the initials of the name of the fireman and the number of the engine to which he belongs, painted in front thereof, in white. The foreman of each of the hook and ladder companies shall wear a cap, painted black, with a white frontispiece, and the word "Foreman," and the initials of his name, and the number of the company to which he belongs, with a hook and ladder painted thereon, in black; and each member of the hook and ladder companies shall wear a cap, painted black, with the initials of his name and the number of the company to which he belongs, with a hook and ladder painted in front thereof, in white; and each foreman of the fire hose companies shall wear a cap, painted black, with a white frontispiece, and the word "Foreman, and the initials of his name, and the number of the company to which he belongs, and a coil of hose painted thereon, in black; and each member of the said fire hose companies shall wear a cap, painted black, with the initials of his name, and the number of the company to which he belongs, with a coil of hose painted thereon, in white. And the assistant to each respective company shall wear a cap, painted in the same manner as that of the foreman of the company, with the word "Assistant," in lieu of the word foreman. *And further*, that it shall be the duty of the Chief Engineer to report to the Common Council the name of every person who shall neglect or re-

fuse to comply with the foregoing requisitions, which said person shall thereupon be removed from his station.

XX. *And be it further ordained,* That the names and places of abode of the members of the Common Council, Engineers, Fire Wardens and foremen of the respective companies, and bell ringers shall, annually, in the month of June, be printed, and set up in the several watch houses, by the City Inspector. And whenever any fire shall happen in the night, the watchmen shall give notice to each of the members of the Common Council, Engineers, Fire Wardens, foremen and bell-ringers within their respective watch districts. And it shall, moreover, be the duty of every watchman, upon the breaking out of any fire, to alarm the citizens by crying fire, and mentioning the street where it may be, so that the firemen and citizens may thereby be generally directed where to repair; and if any watchman shall neglect so to do, he shall forfeit and pay the sum of *one dollar*. And if it shall happen that a chimney only shall be on fire, either by day or night, the fire bell at the City Hall, and the bells of the several churches in this city shall not be rung; but only on occasions where a building shall be proclaimed to be on fire. And it is enjoined on the occupants to place a lighted candle at the windows of their respective buildings, when fire may happen at night, in order that citizens may pass along the streets with the greater safety.

Aldermen
and Assist-
ants, Fire
Wardens
and Bell-
ringers, to
be notified
of fires by
the watch-
men.

XXI. *And be it further ordained,* That it shall be the duty of the constables and marshals to repair, immediately on the alarm of fire, with their staves of office, to the place where such fire may be; and it shall be the duty of the constables then and there to report themselves to the high constable; and of the marshals then and there to report themselves to the first marshal, and to conform to such

Constables
and Mar-
shals to at-
tend fires.

orders as may be given them by the Mayor, Recorder or any one of the Aldermen or Assistants, for the preservation of the public peace, and the removal of all idle and suspected persons, or others not actually or usefully employed in aiding the extinguishment of such fire, or in the preservation of property in the vicinity thereof. And if any constable or marshal shall not attend at such fire, or shall neglect so to report himself, or to obey any orders that may be given him as aforesaid, he shall forfeit and pay the sum of *ten dollars* for each offence.

Penalty for
chimneys
being
fire.

XXII. *And be it further ordained*, That if any chimney, on stove pipe or flue within this city, shall take fire, the occupant of the house to which such chimney, stove pipe or flue appertains, shall forfeit and pay *five dollars*.

Carpenters,
&c., to se-
cure shav-
ings.

XXIII. *And be it further ordained*, That all carpenters and others making or using shavings, shall respectively, at the close of each day, cause the same to be securely stowed in some safe place, remote from danger by means of fire, under the penalty of *five dollars* for each omission so to do.

Of fires in
streets.

XXIV. *And be it further ordained*, That no person shall kindle any fire, nor furnish the materials for any fire, nor in any way authorize or allow any fire to be made in any street, road or lane, or on any pier or bulkhead in this city, except for the purpose of boiling tar, which fire shall not be more than six feet from the bulkhead or the end of the pier, under the penalty of *ten dollars* for every such offence.

Hay and
straw, how
to be placed.

XXV. *And be it further ordained*, That no person shall have, put, or keep any hay or straw, uncovered, in any stack or pile, or in any other way exposed, within one hundred yards of any building to the southward of a line commencing at the Hudson river, and running from thence through Fitzroy street, Greenwich lane, Art street, and the

Bowery, to Stanton street; and from thence through Stanton street to the East river; or shall have, put or keep, to the southward of said line, any hay, straw, hemp, flax, shavings or rushes, in any building not built of stone or brick, and covered with tile or slate, or other fire proof materials, which is or shall be within ten feet of any dwelling house or chimney whatsoever, under the penalty of *twenty-five dollars* for every such offence, and the further penalty of *ten dollars* for every twenty-four hours the same shall so remain, after a printed or written notice has been given, to the owner or person having charge thereof, by any Fire Warden, to remove the same.

XXVI. *And be it further ordained*, That no owner or occupant of any stable within this city, or any person in the employment of such owner or occupant, shall use therein any lighted candle or lamp, except the same shall be securely kept within a lantern, under the penalty of *ten dollars* for every such offence. Candles,
how to be
used in sta-
bles.

XXVII. *And be it further ordained*, That all the fines, penalties and forfeitures imposed by this law for not attending fires, and for not attending the meetings for washing the fire engines and for exercising the men, shall, when received, be paid to the treasurers of the respective companies aforesaid, in which the delinquencies may happen, for the use and benefit of the said companies; and that all the other fines, penalties and forfeitures imposed by this law, shall, when recovered, be paid to the treasurer of the "Fire Department of the city of New York," for the use and benefit of the said Fire Department. And further, that the Chief Engineer shall, annually, on the second Monday of December, in each year, report to the Common Council the amount of the sums which may be received by the said Fire Department of the city of New York, and the application thereof. Penalties,
how appro-
priated.

Penalties,
how recov-
ered.

XXVIII. *And be it further ordained*, That it shall be law-
ful for the Fire Department of the city of New York, and
for the respective companies before-mentioned, or persons
duly authorized by them, to receive, sue for, and recover
in the name of the Mayor, Aldermen and Commonalty of
the city of New York, all the fines, penalties and forfeitures
hereby imposed, which shall be appropriated for their re-
spective uses as aforesaid.

Firemen
not to be
elected un-
der a cer-
tain age.

XXIX. *And be it further ordained*, That no person shall
be elected a fireman until he shall have attained the age of
twenty-one years; and that it shall be the duty of the fore-
men of the respective fire companies, when they report to
the Chief Engineer the names of the persons elected fire
men, to certify that the persons so elected are at least
twenty-one years of age.

Certificates

XXX. *And be it further ordained*, That it shall be the
duty of the Clerk of the Common Council to furnish the
certificates, required to be furnished to the firemen, without
fee or reward.

On the 21st day of June, 1824, the following resolution
was approved, and directed to be published in the news-
papers employed by the Corporation, viz:

Volunteers
henceforth
not to assist
in convey-
ing appa-
ratus to fires.

Resolved, That the Chief Engineer be directed to address
a circular to each fire company, ordering them to dispense
with the services of the volunteers, and in case of their
non-compliance, to send the engine, hook and ladder, or
hose cart, as the case may be, to the Corporation yard, and
report the company to the Common Council forthwith.
(Vol. 51 of P. C. C., MSS., p. 159.)

The following resolution was adopted on the 20th of
June, 1825:

Resolved, That the places of all the firemen whose names are not returned by the companies to which they have respectively belonged, to the Chief Engineer, and by him returned to this Board, be considered as having become vacant. (Vol. 55 of P. C. C., in MSS., p. 32.)

Places of firemen not returned, to be considered as vacant.

The Committee on the Fire Department reported, on the 20th of June, 1825, on the subject of constructing public cisterns, and recommending the following resolution, which was adopted:

Resolved, That the Street Commissioner be directed to prepare ordinances for the construction of ten public cisterns, the same to be used on the occasion of fire, by the Fire Department of the city. (Vol. 55 of P. C. C., MSS., pp. 11 and 30.)

Public cisterns to be constructed.

Subsequently, on the 19th December, 1825, ordinances were passed for the construction of five additional cisterns, and the following resolutions were adopted on the 23d of the same month, in consequence of a destructive fire in the Eighth Ward:

Additional cisterns to be constructed.

Resolved, That the Committee on the Fire Department be instructed to inquire into the expediency of filling all the public cisterns with water forthwith.

Cisterns to be filled.

Resolved, That the fire companies be requested to volunteer their services to carry the above into effect.

Prior to any report being made by the Committee on the Fire Department, in relation to cisterns for the better protection from fire, Assistant Alderman Valentine, on the 30th of January, 1826, presented a resolution that all public cisterns put down, and for the payment of which the money is not collected, and all that shall hereafter be put

Public cisterns, the expense thereof to be taken from the city treasury, when not collected.

down, shall become a public charge, and be paid for out of the city treasury.

This was referred to a Special Committee.

On the 27th of February ensuing, the Special Committee not having reported, the Board discharged the said Committee from the further consideration of the subject, and submitted the same to the Committee on Assessments; which Committee reported favorably thereon, debates ensued, and it was not until the 19th of March 1827, (vol. 60 of P. C. C., MSS., p. 149,) that final action was had, which was adverse to the report.

Public cisterns constructed.

Public cisterns were, however, constructed for the use of the Fire Department, and Assessments levied for the same; seven were ordered by the Common Council on the 2d January, 1827, and eighteen on the 25th of August, 1828.

The following preamble and resolution were adopted on the 19th December, 1825:

Chief Engineer directed to ascertain their reason why many of the church bells are not rung.

Whereas, It is manifest that the bells of many churches do not ring on the alarm of fire, thereby endangering the lives and property of the citizens; therefore,

Resolved, That the Chief Engineer be requested to ascertain the cause, that prompt measures may be taken by the Board to correct the same.

Bell ringers refuse to ring church bells unless paid twenty-five dollars per annum.

On the 23d of the same month the Chief Engineer reported on the above subject, that the bell-ringers had refused to ring the church bells, and further, that they had entered into an association not to ring the bells unless paid therefor the sum of twenty-five dollars per annum.

This report was duly referred to the Committee on the Fire Department, and no report made thereon.

On the 17th March, 1828, the following preamble and resolution, however, were adopted:

Whereas, It has been represented that there are a number of churches in this city whose bells are not rung on the alarm of fire; and whereas, it is important to the safety of the city that a general notice should be given whenever fire occurs; therefore,

Church bells to be rung.

Resolved, That the managers of said churches be requested to have their bells rung whenever an alarm of fire shall be given.

A resolution was referred to the Committee on the Fire Department, in conjunction with the Chief Engineer, to mature a report to the Board of some more energetic and efficient plan to protect the firemen, when on duty at fires, from the encroachments of the surrounding populace; on the 30th day of January, 1826, (vol. 56 of P. C. C., MSS., p. 274,) the Committee reported the following resolution, which was adopted.

Firemen in the exercise of their duties not to be interrupted by the surrounding crowd.

Resolved, That his Honor the Mayor be requested to address a circular to each of the foremen of the several companies of Fire Wardens, calling their attention to that section of the law pointing out their duty at fires, and that each of them would enforce the same on the members of their companies, and that the penalties which may hereafter be incurred by the constables and marshals of the city for not attending fires, be enforced.

The above, with the regular attention of the members of this Board at fires, will, in the opinion of your Committee, answer the desired effect.

Fire limits
to be ex-
tended.

The Committee on Applications to the Legislature, pursuant to a resolution adopted on the 1st day of February, 1827, requiring them to inquire into the expediency of extending the fire limits of the city, reported, on the 12th of the same month, and submitted a memorial and law, to be forwarded to the legislature for the extension of the fire limits to the then remaining portion of the Sixth Ward not subject to the fire laws.

Which report was approved, and the memorial and law ordered to be authenticated in the usual manner, and forwarded to the legislature. (Vol. 60 P. C. C., MSS., p 32.)

The above application resulted in the passage of an act by the legislature, on the 21st of March, 1827, (vide Session Laws,) extending the fire limits.

A LAW for preventing and extinguishing fires.

PASSED April 30th, 1827.

Be it ordained by the Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened:

Fire De-
partment,
of whom to
consist.

I. That the Fire Department of the said city shall consist of a Chief Engineer, and as many other engineers, fire wardens, fire enginemen, hosemen and hook and ladder-men, as are or may, from time to time, be appointed by the Common Council; and who shall be respectively distinguished by the several appellations aforesaid.

How vacan-
cies are to
be supplied.

II. *And be it further ordained,* That whenever any office in the Engineer Department shall become vacant, it shall be the duty of the engineers to nominate five persons, being firemen of the said city, as suitable persons to supply such vacancy, and to give notice thereof to the foremen of the fire companies respectively, and require them to meet at such

time and place as the said engineers shall appoint. And that the said engineers and foremen shall, then and there, or at such other time and place as they may appoint, by joint ballot, designate, from the persons so nominated, by a majority of the votes which shall be given, the person whom they may wish to fill such vacancy.

III. *And be it further ordained*, That if more than one such vacancy shall exist at the same time, it shall be the duty of the said engineers, after the designation as aforesaid, to add the name of one other fireman to the said list, and the engineers and foremen shall thereupon proceed, by joint ballot, as aforesaid, to designate, from the said list, one other person for the purpose aforesaid; and a further nomination and designation shall be made, in like manner, for every such additional vacancy.

IV. *And be it further ordained*, That it shall be the duty of the Chief Engineer to report the names of the persons who may be so designated to the Common Council, as being the persons designated by the engineers and foremen, as suitable persons to be appointed by the Common Council to fill such vacancies.

V. *And be it further ordained*, That no fire engine, nor hook and ladder, nor hose cart shall, in going to or returning from any fire, or at any other time, be run, driven, wheeled, or placed upon any side-walk, except by the special order of one of the engineers, under the penalty of *twenty-five dollars* for each offence, to be forfeited and paid by, and recovered from any and every person aiding or assisting in, or consenting to the violation of any of the provisions of this section, and if any offence against this section shall be committed by any fireman, he shall, moreover, be removed from his station and office as such fireman.

How to proceed if two or more vacancies exist.

Chief Engineer to report the names of those designated to Common Council.

Engines, &c., not to go on side-walks without special order.

Penalty.

Engines,
&c., not to
be removed
unless fore-
man and as-
sistant fore-
man, or two
firemen are
present.

VI. *And be it further ordained*, That no such fire engine, hook and ladder, or hose cart, during any fire in this city, or any report of fire, or at any time, under any pretence whatever, shall be taken or removed out of its house, unless the foreman or assistant foreman, or at least two of the firemen of the company to which the same shall belong shall be present and consent thereto, under the penalty of *ten dollars* for every such offence, to be forfeited and paid by, and recovered from any and every person aiding or assisting in, or consenting to the violation of any of the provisions of this section.

Duty of en-
gineers, &c.
to report
violations.

VII. *And be it further ordained*, That it shall be the duty of the several engineers, and of every foreman and assistant foreman of every fire company, to report all violations of this ordinance to the treasurer of the Fire Department.

Chief En-
gineer's du-
ties.

VIII. *And be it further ordained*, That the Chief Engineer shall, in all cases of fire, have the sole and absolute control and command over all the engineers and other persons of the Fire Department; and it shall be the duty of the said Chief Engineer to direct the other engineers to take proper measures that the several fire engines be arranged in the most advantageous situations, and be duly worked for the more effectually extinguishing of fires. And it shall, moreover, be the duty of the said Chief Engineer to examine, twice in every year, into the condition and number of the fire engines, fire buckets, and other fire apparatus, and fire engine houses belonging to the Corporation, and report the same, once a year, to the Common Council, together with the names of all the members of the Fire Department, and the respective associations to which they belong. And whenever any of the said fire engines and other fire apparatus shall require to be repaired, the Chief Engineer, under the direction of the Committee on the Fire Department, shall

cause the same to be well and sufficiently done. And it shall, moreover, be the duty of the Chief Engineer to report, in writing, all accidents by fire that may happen in this city, with the causes thereof, as well as they can be ascertained, and the number and description of the buildings destroyed or injured, together with the names of the owners and occupants, to the City Inspector, who shall keep an accurate register of the same.

IX. *And be it further ordained*, That so many of the freeholders or freemen of the said city as the Common Council may deem proper, shall, from time to time, be appointed in each of the wards of the said city, to be denominated Fire Wardens; each of whom shall be assigned and attached by the Mayor of the said city, to such company of firemen, having charge of a fire engine, as he shall think proper; and shall report himself to the Chief or other engineer, at every fire. And each Fire Warden shall have a certificate, under the seal of the mayoralty, stating his appointment as a Fire Warden, and the company of firemen to which he shall be attached.

Fire Wardens, how appointed.

X. *And be it further ordained*, That the Fire Wardens of each ward shall form a separate company; and each of the said companies shall and may choose, out of their own number, a foreman and clerk, in such manner, and at such times as they may think proper; and each company may make rules regulating the time and manner of conducting their elections, and imposing such fines upon the members as, in their judgment, may best secure the performance of the duties of the said Fire Wardens, both at fires, and in visiting the buildings, and other duties in their several districts; and disobedience to such rules shall be reported, by each company, to the Common Council, and shall subject the Fire Warden, so disobeying, to removal by the Common Council.

To be divided into companies, and to make rules and regulations.

Vacancies,
how to be
filled.

XI. *And be it further ordained,* That whenever a vacancy shall happen in any of the said companies, the company in which the same may happen, may recommend, through the Chief Engineer, to the Common Council, for approbation, a suitable person to fill such vacancy; but none other than those who have been firemen at least five years shall be so recommended.

Fire Ward-
ens subject
to the di-
rection of
the engi-
neers.

XII. *And be it further ordained,* That the said wardens, when attending fires, shall be subject to the direction of the Chief Engineer, and the other engineers of the Fire Department.

Duty of
Wardens.

XIII. *And be it further ordained,* That it shall be the duty of the said Fire Wardens, immediately on the alarm of fire, to repair to the place where it may be, and aid and assist in procuring supplies of water to the fire engines to which they shall be respectively assigned and attached, and to such other fire engines as the Chief Engineer or other engineer may direct them to attend. It shall also be the duty of the said Fire Wardens to prevent the hose from being trodden on, and to keep all idle and suspected persons at a proper distance from the fire, and from the vicinity, and the citizens are hereby enjoined to comply with the orders and directions of the said Fire Wardens in the premises.

Wards to
be divided
into inspec-
tion dis-
tricts.

XIV. *And be it further ordained,* That each of the said companies shall divide their ward into districts, and the foreman of the company shall attach one or more of the members of the said company to each of the said districts, for the purpose of making the visitation and examination directed in the next following section; who shall keep a record of the names of the occupants of the houses, and of the members of the same, wherein they shall observe any violations of this law, or act, for the more effectual

prevention of fires; and annually, in the month of January, exhibit a transcript of the same to their foreman, and said foreman shall report to the Chief Engineer, in the month of June, annually, the name, residence and occupation of each of the wardens of his company; and to the Common Council all neglects on the part of any of the wardens of his company to comply with the requisitions of this section, and every warden, so neglecting his duty, shall be removed from his office.

XV. *And be it further ordained*, That it shall be the duty of the said Fire Wardens, twice in every year, viz: in the months of June and December, and as much oftener as they may think proper, to examine the dwelling houses and other buildings in their respective wards, for the purpose of ascertaining all violations of the act for the more effectual prevention of fires in the city of New York, and also to examine the fire-places, hearths, chimneys, stoves, and the pipes thereto, ovens, boilers, kettles, and also all chemical apparatus which, in their opinion, may be dangerous in causing or promoting fires, and also the places where ashes may be deposited; and, upon finding any of them defective or dangerous, they, or either of them, shall direct the owner or occupant, either by a printed or written notice, to alter, remove, or amend the same, in such manner, and within such a reasonable time as they, or either of them, may judge necessary; and in case of neglect or refusal so to do, the party offending shall forfeit and pay twenty-five dollars, and for every day after the time allotted as aforesaid to alter, remove or amend the same, in conformity with the directions aforesaid, the party so offending shall forfeit and pay the further sum of five dollars. And all the expenses of any removal, alteration or amendment, as aforesaid, shall be paid, in the first instance by the occupant, but

Wardens to
examine
houses, &c.,
and to give
directions,
&c.

shall be chargeable against the owner of such dwelling house or other building, and shall be deducted from the rent of the same, unless such expense be rendered necessary by the act or default of such occupant, or unless there be a special agreement to the contrary between the parties. And it shall, moreover, be the duty of the Fire Wardens, or either of them, at such time as aforesaid, to enter into, and examine all buildings, livery or other stables, hay boats or vessels, and places where any gunpowder, hemp, flax, tow, hay, rushes, fire-wood, boards, shingles, shavings or other combustible materials may be lodged, and give such directions, in writing, in the premises, as may be deemed necessary by them or him, relating to the removal thereof; and in case of neglect or refusal on the part of the possessor of such combustible materials, or any of them, to remove or secure the same within the time and in the manner directed by the Fire Wardens, or either of them, the party offending shall forfeit and pay twenty-five dollars, and the further sum of five dollars for every day's neglect to remove or secure the same after being so notified.

Report to
be made to
the fore-
man.

XVI. *And be it further ordained*, That the duties prescribed by the foregoing section shall be performed within each district by the warden or wardens attached to such district, who shall make an immediate report to the foreman, who shall record the same in a book to be kept for that purpose, of all persons neglecting or refusing to comply with the orders and directions aforesaid, together with the circumstances of each case; and shall also make report whether any, and what cases of violations of the laws of this state, prohibiting the construction of wooden buildings, within certain limits of this city, have come to his knowledge; and in case of any violation of such law, he shall particularly report the name of the owner or owners

of the building, and of the master builder, and the particular circumstances of each case; and in case of neglecting to report as aforesaid such warden or wardens shall forfeit and pay the sum of ten dollars. But it is hereby expressly declared, that the foreman or any of the wardens of the ward, may give such orders and directions as are authorized and directed in and by the preceding section of this law, in case the same shall not be given by the warden of the district where the danger exists or is apprehended.

XVII. *And be it further ordained*, That the firemen shall be divided into companies, to consist of as many members as the Common Council shall from time to time direct, to attend to the fire engines, hose wagons and hooks and ladders belonging, or that may hereafter belong to the Corporation of this city, or to such hose wagons and hooks and ladders as the Common Council shall direct; and that each of the companies shall and may choose, out of their own number, a foreman, assistant and clerk, in such manner, and at such times as they may think proper. And it shall be the duty of the said firemen, as often as any fire shall break out in the said city, to repair, immediately upon the alarm thereof, to their respective engines, hose wagons, hooks and ladders, and convey them to or near the place where such fire shall happen, unless otherwise directed by the Chief or other engineer; and there, in conformity with the directions given by the Chief Engineer or other engineers, shall work and manage the said engines, or apparatus and implements, with all their skill and power; and when the fire is extinguished, shall not remove therefrom but by the permission of an engineer; and on such permission they shall return their respective hose wagons, hooks and ladders, engines and apparatus, well washed and cleansed, to their several places of deposit. And for the more effect-

Firemen.

ally perfecting the firemen in their duty, and keeping and preserving the said fire engines and other implements and apparatus from decay, the said firemen shall, in the months of May, June, July, August, September, October and November, draw out their said fire engines and other implements, in order to wash and cleanse them, and to exercise the men; and if any fireman shall neglect the said duty, he shall forfeit and pay for every default the sum of one dollar; and if he shall neglect to attend at any fire as aforesaid, or leave his fire engine or other apparatus while at any fire, without permission, or shall neglect to do his duty on such occasion, without reasonable excuse, he shall, for every default, forfeit and pay the sum of three dollars; and if any fireman shall neglect to do his duty as such, in attending at fires, or in washing, exercising, managing, trying or using the said fire engine, or other implements or apparatus provided for extinguishing fires, every such person shall, besides the fines and penalties aforesaid, be removed from his station. And whenever any fireman is appointed to supply any vacancy in any company, it shall be his duty to call on the treasurer of the Fire Department, and procure a certificate, within one month from the date of his appointment, specifying the name and number of the company to which such fireman shall be elected. And any fireman, after being re-elected, shall obtain a new certificate as aforesaid. And it shall be the duty of the Chief Engineer to certify, on every return, whether a vacancy exists in the company.

Removal of
firemen,
and vacan-
cy filled for
neglect of
duty.

How Alder-
men, As-
sistants,
Engineers
and Fire-
Wardens
are to be
distinguish-
ed at fires.

XVIII. *And be it further ordained*, That in order that the members of the Common Council, Engineers and Fire Wardens may be more readily distinguished at fires, the Mayor, Recorder, Aldermen and Assistants, shall severally bear, on those occasions, a wand, with a gilded flame at the top; and each of the engineers shall wear a leathern cap, painted

white, with a gilded front thereto, and a fire engine emblazoned thereon, and shall also carry a speaking trumpet, painted black, with the words "Chief Engineer," "Engineer No. 1," &c., as the case may be, in white, which shall also be painted on their caps respectively; and each of the Fire Wardens shall wear a hat, with the brim black, the crown painted white, and the city arms blazoned on the front, and shall also carry a speaking trumpet, painted white, with the word "Warden," in black, painted thereon.

XIX. *And be it further ordained,* That the foremen of engine companies, and the firemen shall, when on duty, wear leathern caps, in the form heretofore used; and the said caps shall be painted and distinguished in the manner following, viz: the cap of each foreman shall be painted black, with a white frontispiece, and the word "Foreman," with the initials of the name of the foreman, and the number of the engine to which he belongs painted thereon, in black; the cap of each fireman shall be painted black, with the initials of the name of the fireman and the number of the engine to which he belongs, painted in front thereof, in white. The foreman of each of the hook and ladder companies shall wear a cap, painted black, with a white frontispiece, and the word "Foreman," and the initials of his name, and the number of the company to which he belongs, and a hook and ladder painted thereon, in black; and each member of the hook and ladder companies shall wear a cap, painted black, with the initials of his name and the number of the company to which he belongs, with a hook and ladder painted in front thereof, in white; and each foreman of the fire hose companies shall wear a cap, painted black, with a white frontispiece, and the word "Foreman, and the initials of his name, and the number of the company to which he belongs, and a coil of hose painted thereon, in black; and each member of the said fire

Caps of the
firemen.

hose companies shall wear a cap, painted black, with the initials of his name, and the number of the company to which he belongs, with a coil of hose painted thereon, in white. And the assistant to each respective company shall wear a cap, painted in the same manner as that of the foreman of the company, with the word "Assistant," in lieu of the word foreman. *And further*, that it shall be the duty of the Chief Engineer to report to the Common Council the name of every person who shall neglect or refuse to comply with the foregoing requisitions, which said person shall thereupon be removed from his station.

Aldermen
and Assist-
ants, Fire-
Wardens
and Bell-
ringers, to
be notified
of fires by
the watch-
men.

XX. *And be it further ordained*, That the names and places of abode of the members of the Common Council, Engineers, Fire Wardens and Foremen of the respective companies, and bell ringers shall, annually, in the month of June, be printed, and set up in the several watch houses, by the City Inspector. And whenever any fire shall happen in the night, the watchmen shall give notice to each of the members of the Common Council, Engineers, Fire Wardens, Foremen and bell-ringers within their respective watch districts. And it shall, moreover, be the duty of every watchman, upon the breaking out of any fire, to alarm the citizens by crying fire, and mentioning the street where it may be, so that the firemen and citizens may thereby be generally directed where to repair; and if any watchman shall neglect so to do, he shall forfeit and pay the sum of *one dollar*. And if it shall happen that a chimney only shall be on fire, either by day or by night, the fire bell at the City Hall, and the bells of the several churches in this city shall not be rung; but only on occasions where a building shall be proclaimed to be on fire. And it is enjoined on the occupants to place a lighted candle at the windows of their respective buildings, when fire may hap-

pen at night, in order that the citizens may pass along the streets with the greater safety.

XXI. *And be it further ordained*, That it shall be the duty of the constables and marshals to repair, immediately on the alarm of fire, with their staves of office, to the place where such fire may be; and it shall be the duty of the constables then and there to report themselves to the high constable; and of the marshals then and there to report themselves to the first marshal, and to conform to such orders as may be given them by the Mayor, Recorder or any one of the Aldermen or Assistants, for the preservation of the public peace, and the removal of all idle and suspected persons, or others not actually or usefully employed in aiding the extinguishment of such fire, or in the preservation of property in the vicinity thereof. And if any constable or marshal shall not attend at such fire, or shall neglect so to report himself, or to obey any orders that may be given him as aforesaid, he shall forfeit and pay the sum of *ten dollars* for each offence.

Constables
and Marshals to attend fires.

XXII. *And be it further ordained*, That if any chimney, stove pipe or flue within this city, shall take fire, the occupant of the house to which such chimney, stove pipe or flue appertains, shall forfeit and pay *five dollars*.

Penalty for chimneys being on fire.

XXIII. *And be it further ordained*, That all carpenters and others making or using shavings, shall respectively, at the close of each day, cause the same to be securely stowed in some safe place, remote from danger by means of fire, under the penalty of *five dollars* for each omission so to do.

Carpenters, &c., to secure shavings.

XXIV. *And be it further ordained*, That no person shall kindle any fire, nor furnish the materials for any fire, nor in any way authorize or allow any fire to be made in any street, road or lane, or on any pier or bulkhead in this city, except for the purpose of boiling tar, which fire shall

(or fires in streets.

not be more than six feet from the bulkhead or the end of the pier, under the penalty of *ten dollars* for every such offence.

Hay and
straw, how
to be placed.

XXV. *And be it further ordained*, That no person shall have, put, or keep any hay or straw, uncovered, in any stack or pile, or in any other way exposed, within one hundred yards of any building to the southward of Fourteenth street, or shall have, put or keep, to the southward of said line, any hay, straw, hemp, flax, shavings or rushes, in any building not built of stone or brick, and covered with tile or slate, or other fire proof materials, which is or shall be within ten feet of any dwelling house or chimney whatsoever, under the penalty of *twenty-five dollars* for every such offence, and the further penalty of *ten dollars* for every twenty-four hours the same shall so remain, after a printed or written notice has been given, to the owner or person having charge thereof, by any Fire Warden, to remove the same.

Candles,
how to be
used in sta-
bles.

XXVI. *And be it further ordained*, That no owner or occupant of any stable within this city, or any person in the employment of such owner or occupant, shall use therein any lighted candle or lamp, except the same shall be securely kept within a lantern, under the penalty of *ten dollars* for every such offence.

Penalties,
how appro-
priated.

XXVII. *And be it further ordained*, That all the fines, penalties and forfeitures imposed by this law for not attending fires, and for not attending the meetings for washing the fire engines and for exercising the men, shall, when received, be paid to the treasurers of the respective companies aforesaid, in which the delinquencies may happen, for the use and benefit of said companies; and that all the other fines, penalties and forfeitures imposed by this law, shall, when recovered, be paid to the treasurer of the "Fire Department of the city of New York," for the use and benefit of the said Fire Department. And further, that the

Chief Engineer shall, annually, on the second Monday of December, in each year, report to the Common Council the amount of the sums which may be received by the said Fire Department of the city of New York, and the application thereof.

XXVIII. *And be it further ordained*, That it shall be lawful for the Fire Department of the city of New York, and for the respective companies before-mentioned, or persons duly authorized by them, to receive, sue for, and recover, in the name of the Mayor, Aldermen and Commonalty of the city of New York, all the fines, penalties and forfeitures hereby imposed, which shall be appropriated for their respective uses as aforesaid. Penalties, how recovered.

XXIX. *And be it further ordained*, That no person shall be elected a fireman until he shall have attained the age of twenty-one years; and that it shall be the duty of the foremen of the respective fire companies, when they report to the Chief Engineer the names of the persons elected firemen, to certify that the persons so elected are at least twenty-one years of age. Firemen not to be elected under a certain age.

XXX. *And be it further ordained*, That it shall be the duty of the Clerk of the Common Council to furnish the certificates, required to be furnished to the firemen, without fee or reward. Certificates

A memorial and bill, on the 14th January, 1828, were ordered to be authenticated by the Common Council, and presented to the legislature, extending the fire limits over the Seventh Ward; various petitions and remonstrances were urged by the Seventh Ward subsequently, and a second order was made by the Common Council on the 24th March, 1828, to make application to the legislature to in- Fire limits to be extended.

clude the Seventh Ward within the fire limits, but such bill was not enacted by the legislature.

Term of
service of
firemen re-
duced to
seven years.

A resolution that the term of service of our firemen be reduced to seven years was referred to the Committee on Applications to the legislature, on the 11th August, 1828; On the 6th of October, of the same year, the firemen of the city petitioned to have the term of service reduced from ten to seven years; which was referred to the same Committee, who reported on the 26th of January, 1829. The report was laid on the table at that time. A resolution was presented and referred, at the same meeting, to limit the number of years to seven, and to allow —— dollars to every member becoming exempt, and discharge him from all except jury duty.

The Committee reported again on the 9th February, 1829, (vol. 67 P. C. C., p. 38,) with the following resolution, which was approved:

Resolved, That the Counsel of the Board prepare a law and cause the same to be presented to the legislature for enactment, providing that all persons who shall become firemen after the 1st of February, inst., shall be required to serve but seven years, and that all present members having served seven, eight, or nine years, shall be required to serve but one year more, and all present members having served six years, or a less term than six years, be required to serve so much longer as shall make up their whole term of service to eight years.

The Counsel, on the 16th of February, 1829, presented the draft of an act entitled "An act to amend an act entitled an act granting privileges to the firemen of the city of New York," passed April 12th, 1816, which was forwarded to the legislature, with a suitable memorial, duly authenticated, and was passed by the legislature on the 4th of April, 1829.

On the 8th December, 1828, Jameson Cox, Esq., then Chief Engineer of the Fire Department, tendered his resignation in consequence of ill health; which was accepted. The Common Council, on the 4th ballot, elected Uziah Wenman to fill the vacancy. (Vol. 66 P. C. C., MSS., p. 108.)

I. Cox resigned as Chief Engineer and U. Wenman appointed.

The following resolution was adopted on the 26th of January, 1829:

Resolved, That the Special Committee on Water be added, in connection with the Committee on the Fire Department, on the subject of a sufficient supply of water to extinguish fires. (Vol. 66 of P. C. C., MSS., p. 308.)

Water and Fire Department Committees united.

The following resolution was adopted on the 26th of January, 1829:

Resolved, That no person shall be permitted to become a member of Supply fire engine company No. 1, who has not served five years in the Fire Department of this city.

Supply engine company No. 1.

This resolution was repealed on the 8th of February, 1830, in consequence of the passage of the act reducing the time of service of firemen from ten to seven years.

Various bills and memorials were authenticated and directed to be sent to the legislature, in relation to extending the fire limits; one to extend the same over all the Seventh and Fourteenth Wards, was ordered on the 2d of March, 1829; also one to extend the fire limits north as far as Spring street, from Broadway, west, to the river; ordered February 23, 1829.

Fire limits extended.

Accordingly, the law of May 1st, 1829, was enacted, and on its presentation to the Common Council, was referred to the Committee on the Fire Department, to ascertain or

express an opinion when it became operative, in 1829 or 1830. The Committee reported on the 18th of May, 1829, that as no resolution which the Common Council might adopt could have any influence, (the construction of the law being a matter exclusively pertaining to the Judiciary,) it was not expedient that they should express any opinion on the subject.

A report, signed by Messrs. Isaac Brown, Stevens, Benjamin M. Brown, Palmer and Engs, Committee on the Fire Department, adopted on the 16th of March, 1829, in relation to the supply of water for the purpose of extinguishing fires, &c., states, that, owing to the supply of water for culinary purposes being of a quality much superior to that supplied by the Manhattan Company, citizens residing in the upper part of the city are unwilling to take the Manhattan water, hence no water pipes laid in all that part of the city lying above Grand street, or Pearl street on the east side of the city, and therefore no protection is afforded for the purpose of extinguishing fires. The Committee also state that "Another mode of supplying is by cisterns, and this, to a certain extent, is already in operation. The Corporation has at present forty public cisterns, which have cost, on an average, six hundred dollars each, making, in all, a cost of at least twenty-four thousand dollars. They usually contain one hundred hogsheads each. Now, to provide for the section of the city between Fourteenth and Grand streets, on Broadway and Fourteenth and Pearl streets, on Chatham street, on the east side of the city, by cisterns, would require the construction of at least sixty additional cisterns, supposing that each one thousand feet square required a cistern, and if we estimate them at six hundred dollars each, (including expenses of assessments,) it will make the sum of thirty-six thousand dollars. The cisterns would

probably not last longer than from twenty to twenty-five years, and would require considerable expense in repairs of leaks, and for leaders, &c., during that time. Your Committee have come to the conclusion to recommend to the Board the laying down of two lines of iron pipes for the security against fires of the section of the city above described."

The Committee proposed to lay one line of tubes from about Fourteenth street, through the Bowery, to its termination with Chatham street, a distance of six thousand five hundred feet, and also a line of tubes, commencing at the same place, through Broadway to Canal street, a distance of five thousand five hundred feet. The diameter of the tubes to be twelve inches, the cost of the tubes to be one dollar and fourteen cents per foot, or six thousand and twenty dollars per mile; the expense of laying down to be eighty-six cents per foot, or four thousand six hundred and forty dollars per mile. The distance of these two lines to be about twelve thousand feet, or two and one-fourth miles, and the aggregate expense of laying down tubes, and five hundred dollars for plugs or hydrants, to amount to twenty-four thousand five hundred dollars. The Committee further state that "The expense of a wooden reservoir, containing two thousand hogsheads, equal to twenty cisterns, is estimated to cost not exceeding one thousand five hundred dollars, making, in all, twenty-six thousand dollars. It is believed that the power of a single horse will be sufficient to pump the water into the reservoir, and the annual expense of a horse and man ought not to exceed seven hundred dollars. Your Committee are of opinion that water sufficient for the purpose of extinguishing fires may be obtained any where about the part of the city referred to. In fact, there are wells already dug which would fill the tubes and reser-

voirs; and as it is contemplated to use the water only for fires, there would be no constant demand, excepting to supply the waste water."

The Committee deemed that the laying of said pipes as aforesaid, though at considerable distance from the East and North rivers, would be nevertheless, sufficient for the purpose of extinguishing fires, from the fact of the gradual descent of the ground towards each river; although the Committee remark that, hereafter, if additional security is required, that small tubes, of six inches diameter, may be laid down to subdivide the sections referred to. The Committee go on to state that the proposed plan would go to reduce the labor of firemen, and make their duty comparatively light; and that in their opinion the Fire, as a volunteer Department, could not be upheld in our extended city, without reducing the excessive labor of procuring water.

On the 20th April, 1829, the following resolution was adopted:

Contract
for iron
pipes au-
thenticat-
ed.

Resolved, That the contract made by the Committee on the Fire Department, in behalf of the Mayor, Aldermen and Commonalty, with Mark Richards, of Philadelphia, for iron pipes and castings, be authenticated during the recess of the Board, in the usual manner.

The following resolution was presented and referred on the 14th July, 1829:

Five hun-
dred dollars
premium
for plans for
supplying
water.

Resolved, That it be referred to the Committee on Supplying the city with water, to report upon the expediency of offering a premium of five hundred dollars for the best plan for supplying the city with pure and wholesome water, to be approved of by said Committee.

The Committee on the Fire Department reported on the 16th November, 1829, that although they had excavated

only fifty feet in depth at Thirteenth street, yet the quantity of water would be sufficient to fill the reservoir and pipes, as it is estimated that seventy hogsheads of water is issued in a day; that the cast iron tank was received from Philadelphia, and that the same should be inclosed with a brick or wooden building; the cost of the former being estimated at three thousand five hundred dollars, and of the latter two thousand dollars.

Reservoir
at 13th st.

Which report was agreed to.

In relation to procuring water for the extinguishment of fires, the following resolution was presented and referred on the 16th November, 1829:

Resolved, That a competent practical man be appointed and employed to act as a Commissioner or agent for the Common Council, to procure information and to make plans and estimates for supplying the city, (abundantly,) with pure and wholesome water; said Commissioner, or his successor, to be continued as Superintendent of this highly important public business.

Commission-
or to make
estimates
for supply-
ing city
with water.

The Water Committee was also directed to explore the Croton and other rivers for procuring a supply of water.

Nevertheless, assessments for sixteen more public cisterns were presented for confirmation to the Common Council on the 7th December, 1829.

From a report made by the Committee on the Fire Department, on the 19th April, 1830, the following extracts are taken:

That they have caused to be erected on the public ground, on the corner of Bowery and Thirteenth street, a stone-tower, forty-four feet diameter and twenty-seven feet high, on which there is now putting up an iron tank of forty-three feet diameter and twenty feet high, which will con-

tain three hundred and five thousand four hundred and twenty-two gallons of water; that the line of twelve inch iron pipes are completed from the reservoir, through Thirteenth street and Broadway to Canal street; and the line is nearly completed through the Third avenue and the Bowery to Catharine street. * * *

The whole will comprise thirty fire plugs, six stop cocks, and eighteen thousand and sixty feet of iron pipes, containing one hundred and eight thousand three hundred and sixty gallons of water, capable of being thrown sixty feet above the surface of the highest elevation of the streets.

* * * That they have caused a well to be dug eighteen feet diameter and seventy feet deep. * *

The greatest quantity at any time in the well is estimated at one hundred and six thousand nine hundred and eighty gallons of water, * * * and that a steam engine would be available.

The Committee were thereupon authorized to procure a steam engine, at a sum not to exceed five thousand five hundred dollars.

The following resolution was adopted on July 13th, 1829:

Watchmen
to cry aloud
in case of
fire.

Resolved, That the captains of each watch district be directed to instruct the watchmen under their direction to cause every alarm of fire to be made as general as possible, by crying aloud the name of the street or part of the city where the fire may be. (Vol. 69 P. C. C., MSS., p. 26.)

The Committee on Applications to the legislature made a report on the 15th of February, 1830, and presented a form of a law for the more effectual prevention of fires in the city of New York. The law was taken up by sections, and a

number of said sections approved on the 15th of February, and the remainder on the 1st of March, 1830, the bill was engrossed, authenticated and forwarded to Albany; this bill relates more particularly to the construction of dwellings, stores, &c., and is one of the most important of the state laws relative to the prevention of fires in the city of New York. It was enacted by the legislature on the 20th April, 1830. (Vide Laws of the State, 53d Session, Chap. 291.)

Dwellings,
&c., how
construct-
ed.

The following is an ordinance relative to injuries to hydrants:

Be it ordained by the Mayor, Aldermen and Commonalty of the city of New York, as follows:

Any person not being the Chief Engineer, nor Engineer nor Foreman of a fire company, who shall unscrew any or either of the hydrants belonging to the Corporation water works, erected for the extinguishment of fire, or who shall interfere with the same, or any part of the works belonging to said establishment, whereby the said establishment, or any or either of the pipes, hydrants, stop-cocks or any part of the works may be injured, or the water taken therefrom or wasted, shall be liable to a penalty of fifty dollars for each and every such offence; and it shall be the duty of the Corporation Attorney to prosecute all offenders under this law.

Hydrants
not to be
injured.

Penalty.

Passed October 11, 1830. (Vol. 73 P. C. C., MSS., p.166.)

On the 15th November, 1830, the following resolution was adopted:

Resolved, That the 11th section of the 14th Chap. of the ordinances of the Common Council, (passed 1827,) be amended as to read "but none other than those who have been firemen at least three years, shall be so recommended."

Fire Ward-
ens to be
appointed
from fire-
men who
have served
three years.

A LAW to amend a law passed 30th April, 1827, entitled
"A law for preventing and extinguishing fires."

PASSED January 10th, 1831.

*Be it ordained by the Mayor, Aldermen and Commonalty of
the city of New York, in Common Council convened:*

§ 1. That every fireman hereafter recommended through the Chief Engineer to the Common Council, as a suitable person to be appointed a Fire Warden, shall be at the time of such recommendation *an actual resident and inhabitant of the ward for which such return shall be made.*

§ 2. *Be it further ordained,* That in case any *Fire Warden*, appointed after the passage of this ordinance, shall remove from the ward to which he shall have been appointed, the said office shall be deemed vacant, and the Chief Engineer shall notify the company of Fire Wardens to proceed to fill the vacancy thus made. (Vol. 74 P. C. C., MSS., p. 132.)

The following resolutions were adopted on the 28th of February, 1831:

Resolved, That the Counsel of the Board prepare a memorial to the legislature, setting forth the wants of the city in relation to a full and ample supply of water, as necessary for the safety of the city against fire, and to be of a pure and wholesome quality, as necessary for the preservation of the health and lives of our fellow citizens; also, that the Manhattan Company, although chartered in the year 1799, for the express and apparently *sole* purpose of furnishing the city these inestimable blessings, have not, in the opinion of the Common Council, complied with the conditions of their charter, and stating that, under such circumstances, it has become necessary for the Corporation to do that which the Manhattan Company have

failed to perform; and that there exist powers in the act, relating to this company authorizing them to take, by process of law, all streams of water, and to divert water courses from their natural channels, and also, in like manner, to possess themselves of other property; which powers the Manhattan Company have wholly failed to use, therefore asking a repeal of the said powers now vested in said company, and the vesting, exclusively, all such powers for the purpose aforesaid, in the Corporation of the city of New York. (Vol. 74 P. C. C., MSS., p. 320.)

The various memorials to the legislature in relation to pure and wholesome water, resulted in the passage of the acts of May 2d, 1834, and May 25th, 1836, and the final establishment of the Croton Aqueduct. (For a further and complete history of the Croton Aqueduct, see a memoir of the construction, cost and capacity of the Croton Aqueduct, by Charles King.)

1831.

A LAW forming a hydrant fire company.

Be it ordained by the Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened:

Hydrant
fire compa-
ny. § 1. That a company shall be organized, to consist of a foreman, assistant and clerk, and twenty men, to be firemen and hydrantmen; and it shall be their duty, on an alarm of fire, to proceed to the hydrants, and see to the water being properly let out, and that the hydrants are not injured, and that they are properly secured and put in order after the fire is extinguished; and also to see that the stop-cocks are kept in order, and generally to attend to the engines being supplied with water from the reservoir, and to report all injuries and defects which they may discover in any part of the works to the Chief Engineer; and that the caps of said company shall be painted black, and the words hydrant company on the frontispiece thereof.

By-laws. § 2. *And be it further ordained,* That the said company shall have the like power with other firemen, to make by-laws for their own government, and such regulations as will more particularly insure the performance of their duties not defined in this law; provided that no individual shall be appointed a hydrantman in said company, unless he is an exempt fireman.

Passed by the Board of Aldermen, June 8, 1831.

Passed by the Board of Assistant Aldermen, June 11, 1831.

Approved by the Mayor, July 16, 1831.

AN ACT *continuing the laws now in force.*

Be it ordained by the Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened:

That all the laws and ordinances of the Common Council now in force be, and the same are hereby re-ordained and re-enacted, and to remain in force until repealed or modified, or until they expire by operation of law.

Passed by both Boards, September 19, 1881.

Approved by the Mayor, September 21, 1881.

A LAW *creating a Fire and Building Department, and prescribing the duties of the officers thereof.*

Be it ordained by the Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened:

§ 1. That there shall be created and organized a Fire and Building Department.

§ 2. *And be it further ordained,* That three discreet and proper persons shall be appointed to superintend the Fire and Building Department, to be called and known as the Commissioners of the Fire and Building Department, and that the said commissioners shall be a Superintendent of Buildings, Chief Engineer and Commissioner of the Fire Department.

Fire and
Building
Depart-
ment.

§ 3. *And be it further ordained,* That it shall be the duty of the Superintendent of Buildings to advertise for estimates for all public buildings which may hereafter be erected under the authority of the Common Council, for all repairs which may be required for the public buildings

now in use, or which are now erecting, or may be hereafter erected by the Corporation, (except slight repairs,) for the building of new engines, under the authority of the Common Council, and for all other subjects connected with building and repairs, which are not embraced in other departments, and in conjunction with the Chief Engineer, and Commissioner of the Fire Department, to present such estimates to the Common Council for their approbation, previous to furnishing contracts for the same; to examine and supervise all public works which are in progress, and which are connected with the Fire and Building Department, and to suggest to the Commissioner of the Fire Department all subjects connected with the same, which, in his opinion, are necessary.

Duty of
Chief.

§ 4. *And be it further ordained*, That it shall be the duty of the Chief Engineer to report the names of persons who may be designated by the engineers and foremen as suitable persons to be appointed by the Common Council to fill such vacancies as may occur in fire companies; in all cases of fire to have the sole and absolute command and control over all the engineers and other members of the Fire Department; to direct the other engineers to take proper measures that the fire engines be suitably arranged and duly worked; to examine, once in every month, into the condition and number of the fire engines and buckets, and other fire apparatus, and fire engine houses, and report the same to the Common Council twice in every year; and whenever any of the said fire engines, and other apparatus shall be required to be repaired, or new ones built, it shall be the duty of the Chief Engineer, personally, to inspect the building of the same, to report, in writing, all accidents by fire, with the probable causes thereof, and the number and the description of the buildings destroyed or injured, together with the names of the owners

or occupants, to the City Inspector, who shall keep an accurate register of the same, and to suggest to the Board of Commissioners of the Fire and Building Department any improvements which, in his opinion, can be made in the Fire Department; and that he shall be required to attend at the office of the department.

§ 5. *And be it further ordained*, That it shall be the duty of the Commissioners of the Fire Department to give their personal attention and supervision to the laying down of all such water pipes as the Common Council may direct; to take charge of the reservoir and water establishment in Thirteenth street; to see that the hydrants are in order, and generally to supervise and direct all the subjects connected with a full and ample supply of water for the extinguishment of fires. Water pipes.

§ 6. *And be it further ordained*, That it shall be the duty of the said Commissioners of the Fire and Building Department to examine, and if found correct, to sign all bills for expenditures connected with said department, which bills shall not be audited by the Comptroller, except countersigned by a majority of said commissioners; also to suggest to the Common Council, from time to time, all subjects connected with said department which may be deemed important, and to report to the Attorney of the Common Council any infraction of the laws and ordinances connected with the same.

§ 7. *And be it further ordained*, That the Commissioners of the Fire and Building Department shall be sworn to the faithful performance of their duties, and shall each give bonds, with sufficient surety or sureties, to be approved of by the Common Council, in the penal sum of five thousand dollars, faithfully to perform such duties. Commissioners sworn.

§ 8. *And be it further ordained*, That all the laws and ordinances of the Common Council in relation to building and repairs, and the duties of the Superintendent of Repairs, in relation to the Fire Department, which are not inconsistent with the provisions of this ordinance, shall not be construed as modified, repealed or affected thereby, but shall continue and remain in full force.

Passed by the Board of Assistant Aldermen, September 26, 1831.

Passed by the Board of Aldermen, October 3, 1831.

Approved by the Mayor, October 5, 1831.

1832.

Resolved, That the third section of the laws for preventing and extinguishing fires be so amended, in the third line as to read "of the engineers and foremen."

Adopted by the Board of Assistant Aldermen, November 21, 1831.

Adopted by the Board of Aldermen, December 28, 1831.

Approved by the Mayor, January 3, 1832.

Resolved, That it is expedient so to extend the fire limits Fire limits. as to include all that part of the city contained within the following description, viz: beginning on West street, one hundred feet northerly from Spring street, and running thence, northerly, along West street to Bank street; thence, easterly, through Bank street to Greenwich lane; thence, southerly, through Greenwich lane, to the east side of the Sixth avenue, at a point distant northerly, one hundred feet, from Eighth street; thence, westerly, along the Sixth avenue to a line distant, southerly, one hundred feet from Amity lane; thence, easterly, and parallel with Amity street, to a line distant, westerly, one hundred feet from Greene street; thence, southerly, and parallel with Greene street, to a line distant one hundred feet, northerly, from Spring street; and thence, westerly, and parallel with Spring street, to West street, at the place of beginning. Also, beginning at the Bowery, one hundred feet northerly from Rivington street, and running thence, northerly, along the Bowery, to a line distant, southerly, one hundred feet from North street; thence, easterly, and parallel with North street to Orchard street; thence, southerly,

along Orchard street to a line distant one hundred feet, northerly, from Rivington street; and thence, westerly, and parallel with Rivington street, to the Bowery, at the place of beginning.

Resolved, That the Counsel to the Corporation be directed to make the necessary application to the legislature to carry into effect the preceding resolution; the law to take effect on the first day of August next.

Adopted by both Boards, March 19, 1832.

Approved by the Mayor, March 22, 1832.

Fire and Water Committees to be joint. *Resolved*, That the Committees of the two Boards on Fire and Water, hereafter be a Joint Committee on all subjects referred to them by either Board.

Adopted by the Board of Assistant Aldermen, April 9, 1832.

Adopted by the Board of Aldermen, April 16, 1832.

Approved by the Mayor, April 19, 1832.

Resolution as to a proviso in the law entitled "A law forming a hydrant fire company.

Proviso repealed. *Resolved*, That the proviso contained in the law entitled "A law forming a hydrant fire company," approved July 16, 1831, be and the same is hereby repealed, and that no individual shall be appointed a hydrantman in the hydrant company, unless he shall have served as a fireman for at least three years.

Adopted by the Board of Assistant Aldermen, April 23, 1832.

Adopted by the Board of Aldermen, April 30, 1832.

Approved by the Mayor, May 5, 1832.

Resolution relative to the Fire Wardens of the Ninth and Fifteenth Wards.

Resolved, That the Fire Wardens of the Ninth Ward be divided, by electing such of them as reside in the Fifteenth to be Fire Wardens of said Ward; and that the present members of said Ninth Ward company proceed to fill the vacancies from the Ninth and Fifteenth, to fill both companies, and that the same be presented to the next joint meeting.

Division of
Fire Ward-
ens
of
the Ninth
Ward.

Resolved, That a copy of the above resolution be served on Fire Warden's company, Ninth Ward.

Adopted by the Board of Aldermen, April 23, 1832.

Adopted by the Board of Assistant Aldermen, April 30, 1832.

Approved by the Mayor, May 5, 1832.

A LAW relating to estimates of the Street Commissioner's and Fire and Building Departments.

Be it ordained by the Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened:

That such parts of the ordinance entitled "A law creating a Street Commissioner's Department, and prescribing the duties of the Street Commissioner, Assistant Street Commissioner and Superintendent of Wharves and Piers," and such parts of the ordinance entitled "A law creating a Fire and Building Department," as requires the Street Commissioners and the Commissioners of the Fire and Building Department to report the estimates for the objects embraced by their respective departments to the Common Council, previously to completing contracts for the same, be and the same are hereby repealed.

And be it further ordained, That the Street Commissioner, previously to entering into contracts for objects embraced by his department, shall submit the estimates for such objects to Committees of the Board of Aldermen and Board of Assistant Aldermen, for their approbation, to wit: (estimates for wells and pumps, and paving and repaving streets, to the Committee on Streets; estimates for canals and sewers, and constructing roads, to the Committee on Roads and Canals; estimates for building wharves and piers, to the Committee on Wharves and Public Lands and Places;) and the Commissioners of the Fire and Building Department shall, previously to entering into contracts for objects embraced in their department, subject their estimates for such objects to the Committees on Public Offices and Repairs, of the Board of Aldermen and Board of Assistant Aldermen, for approbation.

Passed by the Board of Aldermen, February 6, 1832.

Passed by the Board of Assistant Aldermen, April 30, 1832.

Approved by the Mayor, May 2, 1832.

A LAW to amend "*A law for preventing and extinguishing fires,*" passed April 30, 1827.

The Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened, do ordain as follows:

Expelled
members
not eligible

§ 1. That any fireman having been found guilty of an offence against the ordinances of the Common Council, and having thereby resigned or been expelled, shall not be eligible to an appointment in any company from which he may have been so expelled, nor reappointed a fireman in any case.

§ 2. That so much of the seventeenth section of the law hereby amended as directs the firemen to draw out the fire

engines and the implements, in order to wash and cleanse them, and to exercise the men, be and the same is hereby repealed; provided, however, this section shall not apply to any fire company attached to an engine not located within the lamp and watch district. ^{Washing apparatus repealed.}

§ 3. That all firemen attached to a fire engine, hose, or hook and ladder company whose machine and implements shall have been ordered to the Corporation yard, for want of a sufficient complement of men to manage the same, shall, at every fire, report themselves to the Chief Engineer, or to an engineer in command, and be subject to his order and direction, and perform their duty as firemen; and for every default thereof, each fireman shall forfeit and pay the sum of three dollars.

§ 4. That no fire engine shall be let out for hire, or lent, in any case, without permission from the Alderman or Assistant Alderman of the ward wherein it is wanted to be used; and the Chief Engineer, in default thereof, and the firemen so offending shall be removed from the Fire Department. ^{Engines not to be let.}

Passed by the Board of Aldermen, June 15, 1832.

Passed by the Board of Assistant Aldermen, June 25, 1832.

Approved by the Mayor, July 3, 1832.

A LAW to protect the engine leaders and hose from getting injured at fires.

Be it ordained by the Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened:

§ 1. That all carts, engines, stages and carriages, of every description, are hereby prohibited from running over ^{Hose to be protected.}

the hose or leaders at fires, under the penalty of five dollars for each and every offence, which fine or penalty shall be collected by the Corporation Attorney, from the owner of said cart, stage or carriage, or of the officers of said engine, hook and ladder, or hose company, that has committed the offence; and the whole of said penalty, when received, shall be paid over by the said attorney to the treasurer of the Fire Department Fund.

Passed by the Board of Assistant Aldermen, September 24, 1832.

Passed by the Board of Aldermen, October 3, 1832.

Approved by the Mayor, October 6, 1832.

Resolution concerning instructions of Captains of the Watch to their respective men, as to engine houses.

Resolved, That the several Captains of the Watch give special instructions to the respective watchmen having an engine house on his post, to report whether the same is not occupied or frequented by boys at all hours of the night, and report the same to this Board, so that some provision may be made to remedy the evil.

Adopted by the Board of Aldermen, December 10, 1832.

Adopted by the Board of Assistant Aldermen, December 28, 1832.

Approved by the Mayor, December 31, 1832.

1833.

Resolution that Captains of the Watch report in all cases of fire when the church bells do not ring, &c.

Resolved, That the Captains of the Watch report to his Honor the Mayor all cases where the church bells are not, or do not ring on the alarm of fire; also, that they be directed to enforce the law relative to the watchmen calling out the street, or between what streets the fire is; and in case of default by any watchman in the premises, that the captain shall, forthwith, report him or them to the Mayor, for dismissal.

Adopted by the Board of Aldermen, January 7, 1833.

Adopted by the Board of Assistant Aldermen, January 14, 1833.

Approved by the Mayor, January 17, 1833.

Resolution authorizing Captains of Sub-watch to place two additional men in the cupola of tower of Delancey and Attorney streets, &c.

Resolved, That the Captain of the Sub-watch house, at the corner of Delancey and Attorney streets, be ordered and directed to have two more men, and place one of them in the cupola of the same every night, to look for fires, and give the alarm, by ringing the bell, and hang out of the window a pole, with a lantern on the end, in the direction of the fire, that the firemen and the citizens may know in which direction the fire is; and also to strike the bell the different hours through the night.

Adopted by the Board of Assistant Aldermen, January 2, 1833.

Adopted by the Board of Aldermen, January 21, 1833.

Approved by the Mayor, January 28, 1833.

AN ORDINANCE to empower the Committee on Fire and Water to take engines, &c., from fire companies.

Be it ordained by the Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened:

§ 1. That the Committee on Fire and Water, under the advice of the Chief Engineer, shall be authorized and empowered to take any fire engine, hook and ladder, or hose truck from the company, and place the same in the public yard, or give the same to some other company.

§ 2. That the members of every company from whom their engine or truck shall be taken as aforesaid, shall report themselves, at every fire, to the Chief Engineer, or acting engineer, for the time being, and perform such duty as he shall prescribe; in default whereof they shall be deemed guilty of a neglect of duty, for which they shall be removed from the Fire Department by the Common Council.

Adopted by the Board of Aldermen, February 18, 1833.

Adopted by the Board of Assistant Aldermen, March 6, 1833.

Approved by the Mayor, March 7, 1833.

Application
to extend
fire limits.

Resolved, That the Counsel be directed to forward to the legislature a law extending the fire limits over that part of the city embraced in the following boundaries, to wit: beginning on Orchard street, one hundred feet north of Rivington street, and running thence, northerly, along Orchard street, to North street; thence, westerly, along North street to a line distant one hundred feet, easterly, from the First avenue, and parallel thereto; thence, northerly, along the last-mentioned line to Second street; thence,

easterly, along Second street, to North street; thence, still easterly, along North street to the East river, at Tompkins street; thence, southerly, along the easterly side of Tompkins street, to a line distant, northerly, one hundred feet from Rivington street, and parallel thereto; and thence, westerly, to the place of beginning; to take effect after the first day of August next.

Adopted by the Board of Assistant Aldermen, March 26, 1833.

Adopted by the Board of Aldermen, April 1, 1833.

Approved by the Mayor, April 4, 1833.

A LAW for preventing and extinguishing fires.

The Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened, do ordain as follows:

§ 1. The Fire Department of the said city shall consist of a Chief Engineer, and as many other engineers, fire wardens, fire enginemen, hosemen and hook and ladder-men, as are or may, from time to time, be appointed by the Common Council; and who shall respectively be distinguished by the several appellations aforesaid. Fire Department, of whom to consist.

§ 2. Whenever any office in the Engineer Department shall become vacant, it shall be the duty of the engineers to nominate five persons, being firemen of the said city, as suitable persons to supply such vacancy, and to give notice thereof to the foremen of the fire companies respectively, and to require them to meet at such time and place as the said engineers shall appoint. And the said engineers and foremen shall, then and there, or at such other time and place as they may appoint, by joint ballot, designate, from the persons so nominated, by a majority of the votes which vacancies, how filled.

shall be given, the person whom they may wish to fill such vacancy.

How to proceed when two or more vacancies exist.

§ 3. If more than one such vacancy shall exist at the same time, it shall be the duty of the said engineers, after the designation of one person as aforesaid, to add the name of one other foreman to the said list, and the engineers and foremen shall thereupon proceed, by joint ballot, as aforesaid, to designate, from the said list, one other person for the purpose aforesaid; and a further nomination and designation shall be made, in like manner, for every such additional vacancy.

Duty of Chief Engineer to report names of those designated to Common Council.

§ 4. It shall be the duty of the Chief Engineer to report the names of the persons who may be so designated, to the Common Council, as being the persons so designated by the engineers and foremen, as suitable persons to be appointed by the Common Council to fill such vacancies.

Engines, &c., not to go on side-walks without special order.

§ 5. No fire engine, nor hook and ladder, nor hose cart shall, in going to or returning from any fire, or at any other time, be run, driven, wheeled, or placed upon any side-walk, except by the special order of one of the engineers, under the penalty of *twenty-five dollars* for each offence, to be forfeited and paid by every person aiding or assisting in, or consenting to the violation of any of the provisions of this section, to be recovered by the Attorney of the Common Council, for the use of the Corporation.

Engines, &c., not to be removed unless foreman or assistant foreman or two firemen present.

§ 6. No such fire engine, hook and ladder, or hose cart, during any fire in this city, or any report of fire, or at any time, under any pretence whatever, shall be taken or removed out of its house, unless the foreman or assistant foreman, or at least two of the firemen of the company to which the same shall belong shall be present and consent thereto, under the penalty of *ten dollars* for every such offence, to be

forfeited and paid by, and recovered from any and every person aiding and assisting in, or consenting to the violation of any of the provisions of this section.

§ 7. It shall be the duty of the several engineers, and of every foreman and assistant foreman of every fire company, to report all violations of this ordinance to the Fire Department. Duty of Engineers, &c. to report.

§ 8. The Chief Engineer shall, in all cases of fire, have the sole and absolute control and command over all the engineers and other persons of the Fire Department; and it shall be the duty of the said Chief Engineer to direct the other engineers to take proper measures that the several fire engines be arranged in the most advantageous situations, and be duly worked for the effectual extinguishing of fires. And it shall, moreover, be the duty of the said Chief Engineer to examine, twice in every year, into the condition and number of the fire engines, fire buckets, and other fire apparatus, and fire engine houses belonging to the Corporation, and report the same, once a year, to the Common Council, together with the names of all the members of the Fire Department, and the respective associations to which they belong; and whenever any of the said fire engines and other fire apparatus shall require to be repaired, the Chief Engineer, under the direction of the joint Committee on Fire and Water, shall cause the same to be well and sufficiently done. And it shall, moreover, be the duty of the Chief Engineer to report, in writing, all accidents by fire that may happen in this city, with the causes thereof, as well as they can be ascertained, and the number and description of the buildings destroyed or injured, together with the names of the owners and occupants, to the City Inspector, who shall keep an accurate register of the same. Chief Engineer, duty of.

**Fire Ward-
ens, how
appointed.** § 9. So many of the freeholders or freemen of the said city as the Common Council may deem proper, shall, from time to time, be appointed in each of the wards of the said city, to be denominated Fire Wardens; each of whom shall be assigned and attached by the Mayor of the said city, to such company of firemen, having charge of a fire engine, as he shall think proper; and shall report himself to the Chief or other engineer, at every fire. And each Fire Warden shall have a certificate, under the seal of the mayoralty, stating his appointment as a Fire Warden, and the company of firemen to which he shall be attached.

**To be divi-
ded into
companies,
and to
make rules
and regula-
tions.** § 10. The Fire Wardens of each ward shall form a separate company; and each of the said companies shall and may choose, out of their own number, a foreman and clerk, in such manner, and at such times as they may think proper; and each company may make rules regulating the time and manner of conducting their elections, and imposing such fines upon the members as, in their judgment, may best secure the performance of the duties of the said Fire Wardens, both at fires, and at visiting the buildings, and in other duties in their several districts; and any disobedience to such rules shall be reported, by each company, to the Common Council, and shall subject the Fire Wardens, so disobeying, to removal by the Common Council.

**Vacancies
how to be
filled.** § 11. Whenever a vacancy shall happen in any of the said companies, the company in which the same shall happen, may recommend, through the Chief Engineer, to the Common Council, for approbation, a suitable person to fill such vacancy; but none other than those who have been firemen at least three years, shall be so recommended.

**Wardens
must be ac-
tual resi-
dents of the
ward.** § 12. Every fireman hereafter recommended through the Chief Engineer, to the Common Council, as a suitable person to be appointed as a Fire Warden, shall be, at the

time of such recommendation, an actual resident of the ward for which such appointment is required to be made.

§ 13. In case any Fire Warden shall remove from the ward to which he shall have been appointed, the said office shall be deemed vacant, and the Chief Engineer shall notify the company of Fire Wardens to proceed to fill the vacancy there made.

Warden removing, his office to be vacated.

§ 14. The said wardens, when attending fires, shall be subject to the direction of the Chief Engineer, and the other engineers of the Fire Department.

Fire Wardens subject to the direction of the Engineers.

§ 15. It shall be the duty of the Fire Wardens, immediately on the alarm of fire, to repair to the place where it may be, and aid and assist in procuring supplies of water to the fire engines to which they shall be respectively assigned and attached, and to such other fire engines as the Chief Engineer or other engineer may direct them to attend. It shall also be the duty of the said Fire Wardens to prevent the hose from being trodden on, and to keep all idle and suspected persons at a distance from the fire, and from the vicinity, and the citizens are hereby enjoined to comply with the orders and directions of the said Fire Wardens, in the premises.

Duty of Wardens.

§ 16. Each of the said companies shall divide their ward into districts, and the foreman of the company shall attach one or more of the members of the said company to each of the said districts, for the purpose of making the visitation and examination directed in the next following section; who shall keep a record of the names of the occupants of the houses, and of the members of the same, wherein they shall observe any violations of this law or of the act for the more effectual prevention of fires; and annually, in the month of January, exhibit a transcript of the same to their

Wards to be divided into inspection districts.

foreman, and the said foreman shall report to the Chief Engineer, in the month of June, annually, the name, residence and occupation of each of the wardens of his company; and also, a copy of the record to be kept as aforesaid, under the penalty of fifty dollars for each and every neglect, to be recovered in an action of debt, from the said foreman, by the Attorney of the Corporation, in the name of the Mayor, Aldermen and Commonalty of the city of New York, and it shall be the duty of the Chief Engineer to report to the Mayor, in the month of July, annually, a copy of the aforesaid return and record, which shall be filed in his office.

Wardens
to examine
houses, &c.,
and to give
directions,
&c.

§ 17. It shall be the duty of the said Fire Wardens, twice in every year, viz: in the months of June and December, and as much oftener as they may think proper, to examine the dwelling houses and other buildings in their respective wards, for the purpose of ascertaining all violations of any act in force for the more effectual prevention of fires in New York, and also to examine the fire-places, hearths, chimneys, stoves, and the pipes thereto, ovens, boilers, kettles, and also all chemical apparatus which, in their opinion, may be dangerous in causing or promoting fires, and also the places where ashes may be deposited; and, upon finding any of them defective or dangerous, they, or either of them, shall direct the owner or occupant, either by a printed or written notice, to alter, remove, or amend the same, in such manner, and within such reasonable time as they, or either of them, may deem necessary; and in case of neglect or refusal so to do, the party offending shall forfeit and pay twenty-five dollars, and for every day after the time allotted as aforesaid to alter, remove or amend the same, in conformity with the directions aforesaid, the party so offending shall forfeit and pay the further sum of five dollars;

and all the expenses of any removal, alteration or amendment, as aforesaid, shall be paid, in the first instance by the occupant, but shall be chargeable against the owner of such dwelling house or other building, and shall be deducted from the rent of the same, unless such expense be rendered necessary by the act or default of such occupant, or unless there be a special agreement to the contrary between the parties. And it shall, moreover, be the duty of the Fire Wardens, or either of them, at such times as aforesaid, to enter into, and examine all buildings, livery or other stables, hay boats or vessels, and places where any gunpowder, hemp, flax, tow, hay, rushes, fire-wood, boards, shingles, shavings or other combustible materials may be lodged, and give such directions, in writing, in the premises, as may be deemed necessary by them or him, relative to the removal thereof; and in case of neglect or refusal on the part of the possessor of such combustible materials, or of any of them, to remove or secure the same within the time and in the manner directed by the said Fire Wardens, or either of them, the party offending shall forfeit and pay twenty-five dollars, and the further sum of five dollars for every day's neglect to remove or secure the same, after being so notified.

§ 18. The duties prescribed by the foregoing section shall be performed within each district by the warden or wardens attached to such district, who shall make an immediate report to the foreman, (who shall record the same in a book to be kept for that purpose,) of all persons neglecting or refusing to comply with the orders and directions aforesaid, together with the circumstances of each case; and shall also make report whether any, and what cases of violations of the laws of this state, prohibiting the construction of wooden buildings, within certain limits in this city, have

Reports to
be made to
the fore-
men.

come to his or their knowledge; and in case of any violation of such law, he or they shall particularly report the name of the owner or owners of the building, and of the master builder, and the particular circumstances of each case; and in case of neglect to report as aforesaid, or to perform any of the duties prescribed in this or the preceding section of this ordinance, such warden or wardens, respectively, shall forfeit and pay the sum of twenty dollars for each neglect, to be recovered in an action of debt, by the Attorney of the Corporation, in the name of the Mayor, Aldermen and Commonalty of the city of New York; and in order that the provisions of this ordinance may be carried into full effect, it shall be the duty of the foreman of each respective company of wardens, to report to the Attorney of the Corporation all violations of the same, whether on the part of the citizens or of the wardens, under a penalty of fifty dollars for each neglect, to be recovered as aforesaid.

Firemen. § 19. The firemen shall be divided into companies, to consist of as many members as the Common Council shall from time to time direct, to attend to the fire engines, hose wagons and hooks and ladders belonging, or that may hereafter belong to the Corporation of the city, or to such hose wagons and hooks and ladders as the Common Council shall direct; and each of the companies shall and may choose, out of their own number, a foreman, assistant and clerk, in such a manner, and at such times as they may think proper; and it shall be the duty of the said firemen, as often as any fire shall break out in the said city, to repair, immediately upon the alarm thereof, to their respective engines, hose wagons, hooks and ladders, and convey them to or near the place where such fire shall happen, unless otherwise directed by the Chief or other engineer; and there, in conformity with the directions given by the said Chief Engineer, or other engineers, to work and manage the said

engines, or apparatus and implements, with all their skill and power; and when the fire is extinguished, they shall not remove therefrom but by the permission of an engineer; and on such permission they shall return their respective hose wagons, hooks and ladders, engines and apparatus, well washed and cleansed, to their several places of deposit. If any fireman shall neglect to attend to any fire as aforesaid, or leave his fire engine or other apparatus while at any fire, without permission, or shall neglect to do his duty on such occasion, without reasonable excuse, he shall, for every default, forfeit and pay the sum of three dollars; and may, on request of the company to which he belongs, be removed from his station as a fireman.

§ 20. The Committee on Fire and Water, under the advice of the Chief Engineer, shall be authorized and empowered to take any fire engine, hook and ladder, or hose truck from the company, and place the same in the public yard, or give the same to some other company.

§ 21. All firemen attached to any fire engine, hose or hook and ladder company, whose machine and implements shall have been ordered to the public yard, for want of a sufficient complement of men to manage the same, shall, at every fire, report themselves to the Chief Engineer, or to an engineer in command, and be subject to his order and direction, and perform the duty as firemen, and for every default thereof, each fireman shall forfeit and pay the sum of three dollars.

§ 22. No fire engine shall be let out for hire, or lent, in any case, without permission of the Alderman and Assistant of the ward wherein it is wanted to be used, and the Chief Engineer; in default thereof, the firemen so offending shall be removed from the Fire Department.

Duties.

Committee may send engine to public yard if advised by Chief Engineer.

Firemen whose machines are in public yard, to attend fires and report themselves to Chief Engineer.

No engine to be hired or lent, in any case, unless permitted.

Certificate
of appoint-
ment and
re-election.

§ 23. Whenever any fireman is appointed to supply any vacancy in any company, it shall be his duty to call on the treasurer of the Fire Department and procure a certificate, within one month of his appointment, specifying the name and number of the company to which such fireman shall be elected; and any fireman, after being re-elected, shall obtain a new certificate as aforesaid; and it shall be the duty of the Chief Engineer to certify, on every return, whether a vacancy exists in the company.

Firemen
expelled to
be referred
to Commit-
tee, if they
remon-
strate.

§ 24. If any fireman shall be expelled by a vote of the company to which he may belong, and the fact being reported to the Common Council by the Chief Engineer, accompanied by a remonstrance of the person so expelled, in every such case the subject shall be referred to the Committee on Fire and Water of the two Boards, as a Joint Committee, together with the Chief Engineer, who shall hear the parties, and report thereon, at the next joint meeting of the Common Council.

How Alder-
men, Assis-
tants, En-
gineers and
Fire Ward-
ens are to
be distin-
guished.

§ 25. In order that the members of the Common Council, Engineers and Fire Wardens may be more readily distinguished at fires, the Mayor, Recorder, Aldermen and Assistants, shall severally bear, on these occasions, a wand, with a gilded flame at the top; and each of the engineers shall wear a leathern cap, painted white, with a gilded front thereto, and a fire engine blazoned thereon, and shall also carry a speaking trumpet, painted black, with the words "Chief Engineer," "Engineer No. 1," as the case may be, in white, which shall also be painted on their caps respectively; and each of the Fire Wardens shall wear a hat, with the brim black, the crown painted white, and the city arms blazoned on the front, and shall also carry a speaking trumpet, painted white, with the word "Warden," in black, painted thereon.

§ 26. The foremen of engine companies, and the firemen shall, when on duty, wear leathern caps, in the form heretofore used; and the said caps shall be painted and distinguished in the manner following, viz: the cap of each foreman shall be painted black, with a white frontispiece, and the word "Foreman," with the initials of the name of the foreman, and the number of the engine to which he belongs painted thereon, in black; the cap of each fireman shall be painted black, with the initials of the name of the fireman and the number of the engine to which he belongs, painted in front thereof, in white. The foreman of each of the hook and ladder companies shall wear a cap, painted black, with a white frontispiece, and the word "Foreman," and the initials of his name, and the number of the company to which he belongs, and a hook and ladder painted thereon, in black; and each member of the hook and ladder companies shall wear a cap, painted black, with the initials of his name and the number of the company to which he belongs, with a hook and ladder painted in front thereof, in white; and each foreman of the fire hose companies shall wear a cap, painted black, with a white frontispiece, and the word "Foreman," and the initials of his name, and the number of the company to which he belongs, and a coil of hose painted thereon, in black; and each member of the said fire hose companies shall wear a cap, painted black, with the initials of his name, and the number of the company to which he belongs, with a coil of hose painted thereon, in white; and the assistant to each respective company shall wear a cap, painted in the same manner as that of the foreman of the company, with the word "Assistant," in lieu of the word "Foreman." And that it shall be the duty of the Chief Engineer to report to the Common Council the name of every person who shall neglect or refuse to comply with the foregoing re-

Caps of the
firemen.

quisitions, which said person shall thereupon be removed from his office.

**Aldermen
and Assist-
ants, Fire
Wardens,
Foremen
and Bell
ringers to
be notified
of fires by
the watch-
men.**

§ 27. The names and places of abode of the members of the Common Council, Engineers, Fire Wardens and Foremen of the respective companies, and bell-ringers shall, annually, in the month of June, be printed, and set up in the several watch houses, by the City Inspector; and whenever any fire shall happen in the night, the watchmen shall give notice to each of the members of the Common Council, Engineers, Fire Wardens, Foremen and bell-ringers within their respective watch districts; and it shall, moreover, be the duty of every watchman, upon the breaking out of any fire, to alarm the citizens by crying fire, and mentioning the street where it may be, so that the firemen and citizens may thereby be generally directed where to repair; and if any watchman shall neglect so to do, he shall forfeit and pay *one dollar*; and if it shall happen that a chimney only shall be on fire, either by day or by night, the fire bell at the City Hall, and the bells of the several churches in this city shall not be rung; but only on occasions where a building shall be proclaimed to be on fire; and it is enjoined on the occupants to place a lighted candle at the windows of their respective buildings, where fire may happen at night, in order that the citizens may pass along the streets with the greater safety.

**Constables
and Mar-
shals to at-
tend fires.**

§ 28. It shall be the duty of the constables and marshals to repair, immediately on the alarm of fire, with their staves of office, to the place where such fire may be; and it shall be the duty of the constables then and there to report themselves to the high constable; and of the marshals then and there to report themselves to the first marshal, and to conform to such orders as may be given them by the Mayor, Recorder or any one of the Aldermen or As-

sistants, for the preservation of the public peace, and the removal of all idle and suspected persons, or others not actually or usefully employed in aiding the extinguishment of such fire, or in the preservation of property in the vicinity thereof; and if any constable or marshal shall not attend at such fire, or shall neglect so to report himself, or to obey any orders that may be given him as aforesaid, he shall forfeit and pay the sum of five dollars for each offence.

§ 29. If any chimney, stove pipe or flue within this city, shall take fire, the occupant of the house to which such chimney, stove pipe or flue appertains, shall forfeit and pay *five dollars*. Penalty for chimneys being on fire.

§ 30. All carpenters and others making or using shavings, shall respectively, at the close of each day, cause the same to be securely stowed in some safe place, remote from danger by means of fire, under the penalty of *five dollars* for each omission so to do. Carpenters, &c., to secure shavings.

§ 31. No person shall kindle any fire, nor furnish the materials for any fire, nor in any way authorize or allow any fire to be made in any street, road or lane, or on any pier or bulkhead in this city, except for the purpose of boiling tar, which fire shall not be more than six feet from the bulkhead or the end of the pier, under the penalty of *ten dollars* for every such offence. Of fires in streets.

§ 32. No person shall have, put, or keep any hay or straw, uncovered, in any stack or pile, or in any other way exposed, within one hundred yards of any building to the southward of Fourteenth street, or shall have, put or keep, to the southward of the said line, any hay, straw, hemp, flax, shavings or rushes, in any building not built of stone or brick, and covered with tile or slate, or other fire proof Hay and straw, how to be placed.

materials, which is or shall be within ten feet of any dwelling house or chimney whatsoever, under the penalty of *twenty-five dollars* for every such offence, and the further penalty of *ten dollars* for every twenty-four hours the same shall so remain, after a printed or written notice has been given, to the owner or person having charge thereof, by any Fire Warden, to remove the same.

Candles,
how to be
used in sta-
bles.

§ 33. No owner or occupant of any stable within this city, or any person in the employment of any such owner or occupant, shall use therein any lighted candle or lamp, except the same shall be securely kept within a lantern, under the penalty of *ten dollars* for every such offence.

Penalties,
how appro-
priated.

§ 34. All the fines, penalties and forfeitures imposed by this law for not attending fires, shall, when received, be paid to the treasurers of the respective companies aforesaid, in which the delinquencies may happen, for the use and benefit of said companies; and all the other fines, penalties and forfeitures imposed by this law, except the penalties mentioned in the fifth section thereof, shall, when recovered, be paid to the treasurer of the "Fire Department of the city of New York," for the use and benefit of the said Fire Department. The Chief Engineer shall, annually, on the second Monday of December, in each year, report to the Common Council the amount of the sums which may be received by the Fire Department of the city of New York, and the application thereof.

Penalties
how recov-
ered.

§ 35. It shall be lawful for the Fire Department of the city of New York, and for the respective companies before-mentioned, or persons duly authorized by them, to receive, sue for, and recover, in the name of the Mayor, Aldermen and Commonalty of the city of New York, all the fines, penalties and forfeitures hereby imposed, and appropriated

for their respective uses as aforesaid, except the penalty mentioned in the fifth section of this law.

§ 36. No person shall be elected a fireman until he shall have attained the age of twenty-one years; and it shall be the duty of the foremen of the respective fire companies, when they report to the Chief Engineer the names of the persons elected firemen, to certify that the persons so elected are at least twenty-one years of age.

Firemen
not to be
elected un-
der a cer-
tain age.

§ 37. It shall be the duty of the Clerk of the Common Council to furnish the certificates, required to be furnished to the firemen, without fee or reward.

Certificates

§ 38. It shall be the special duty of the Mayor, for the time being, to see that this ordinance is carried into full effect.

Passed by the Board of Assistants, October 21, 1833.

Passed by the Board of Aldermen, December 9, 1833.

Approved by the Mayor, December 10, 1833.

1834.

A LAW for the appointment of a Chief Engineer, and prescribing his duties.

The Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened, do ordain as follows:

Appoint-
ment. § 1. There shall be appointed by the Common Council, a suitable person, who shall be known as the Chief Engineer.

Oath of of-
fice. § 2. The said Chief Engineer shall, before entering upon the duties of his office, take and subscribe an oath or affirmation, well and faithfully to perform such duties.

Bond. § 3. The said Chief Engineer shall give a bond, with sufficient surety or sureties, to be approved by the Finance Committee of both Boards, in the penal sum of five thousand dollars, conditioned for the faithful performance of the duties of his office.

Salary. § 4. The said Chief Engineer shall receive for his services, a yearly salary of one thousand dollars, payable quarterly.

Duties. § 5. It shall be the duty of the said Chief Engineer, in addition to such duties as are prescribed for him in the law for preventing and extinguishing fires, to advertise for estimates for the construction of all new fire engines which may be ordered by the Common Council, and to submit all such estimates, when received by him, to the Committees on Fire and Water, for their approval, previous to any contract being concluded for any such fire engine.

To adver-
tise for es-
timates for
new engines
To submit
estimates to
the Com-
mittees on
Fire and
Water.
To superin-
tend repair-
ing of fire
engines. § 6. It shall be the duty of the said Chief Engineer to superintend the repairing of all fire engines which may be

sent to the public yard for such purpose, and generally to see that the fire engines are kept in good and sufficient order for use.

§ 7. It shall be the duty of the said Chief Engineer to superintend the making and repairing of all hose, ladders, hooks, and other apparatus used for extinguishing fires. Also, the making and repairing of hose, ladders, &c.

§ 8. All bills for expenditures incurred by or under the direction of the said Chief Engineer, shall, previous to the payment thereof, be carefully examined, and if found to be correct, shall be signed by him. To approve and sign bills.

Passed by the Board of Assistants, December 2, 1833.

Passed by the Board of Aldermen, January 6, 1834.

Approved by the Mayor, January 7, 1834.

A LAW to amend the ordinances, and in addition thereto.*

§ 1.	*	*	*	*
§ 2.	*	*	*	*
§ 3.	*	*	*	*
§ 4.	*	*	*	*
§ 6.	*	*	*	*
§ 7.	*	*	*	*

§ 8. The Superintendent of Buildings and Chief Engineer, under the advice of the Committee on Fire and Water, are authorized to sell, for cash, any old and condemned fire engines and hose deposited at the public yard; they shall pay the money received for such engines or hose, when sold, to the city treasurer, and deposit the receipts for such money with the Comptroller. Old and condemned fire engines and hose to be sold.

* There are only two sections of this law which are relevant to the Fire Department.

§ 9. * * * *

§ 10. * * * *

Clerk of
Common
Council to
advertise
extension
of fire lim-
its.

§ 11. It shall be the duty of the Clerk of the Common Council, whenever and as often as the fire limits of this city shall be extended by any act of the legislature, to cause the same to be published in the papers employed by the Corporation, for the information of the citizens.

§ 12. * * * *

§ 13. * * * *

§ 14. * * * *

§ 15. * * * *

§ 16. * * * *

§ 17. * * * *

§ 18. * * * *

§ 19. * * * *

§ 20. * * * *

§ 21. * * * *

§ 22. * * * *

Passed by the Board of Assistants, March 10, 1834.

Passed by the Board of Aldermen, April 14, 1834.

Approved by the Mayor, April 15, 1834.

1835.

A LAW to amend a law entitled "*A law for preventing and extinguishing fires.*"

The Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened, do ordain as follows:

1st. A watchman shall at all times be stationed in the cupola of the City Hall, for the purpose of giving alarms of fire, whenever cause shall arise. The Chief Engineer, by and with the consent of the Mayor, shall appoint a competent number of persons to perform the duty of such watchmen, day and night, and they shall be severally removable by the Chief Engineer, and at all times during the night be subject to the rules and regulations of the Watch Department, and the authority of the officers of the watch, and as such, members of the Watch Department.

Watchman stationed in cupola, City Hall.

2d. On the occurrence of any fire, the City Hall bell shall be rung by the watchman on duty in the cupola, and the ringing thereof shall be continued during the continuance of the fire; and he shall give notice of the locality of the fire by ringing said bell in a manner which shall be prescribed by directions to be given by the Committee on Fire and Water and the Chief Engineer, and by hanging out a light in the direction of the fire; and for neglect of any of the duties required by this law, he shall be removed from office by the Chief Engineer or Captains of the Watch.

Hall bell to be rung.

3d. That upon the happening of any fire, the several watch house and market bells shall be rung, and also all other alarm bells, and the same shall be done whenever

Other bells.

any one alarm bell shall ring, and the ringing thereof shall be continued until the city bell shall be stopped.

Neglect. 4th. That all watchmen, bell ringers, and other persons or officers charged with the ringing of bells in cases of fire, shall, on neglect to comply with the requisitions of this law, be removed from office, by the person or the authority having power to remove him, on such person or authority being credibly informed of such neglect; and he shall not be reappointed to that or any other office under the Corporation, within one year after such removal.

Chief to report. 5th. The Chief Engineer is hereby required to report to the Common Council all cases of neglect on the part of bell-ringers to churches, to ring their bells on alarms of fire.

Penalty. 6th. The Captains of the Watch, respectively, shall remove from office every watchman who shall fail or neglect to give the notices and alarms of fire, by crying fire, and mentioning the street where it may be, as required by the twenty-seventh section of the law hereby amended, and such removal shall be made by such captain, on his being credibly informed thereof, by any member or officer of the Fire Department.

Passed by both Boards, March 30, 1835.

Approved by the Mayor. April 1, 1835.

1836.

AN ORDINANCE to amend an ordinance for the better regulation of the Fire Department, passed December 10th, 1833.

The Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened, do ordain as follows:

§ 1. That two persons be appointed to each fire engine and hose company, and two persons to each hook and ladder company within the lamp and watch district of this city, whose duty it shall be to keep all the apparatus of said companies in complete order and ready for immediate use; and who shall, at every alarm of fire, repair, forthwith, to the house of the engine, hose or hook and ladder company to which they shall be attached, and assist the members of said company in conveying the engine, carriage or truck to wherever such fire may happen, and there to assist the company in getting the engine to work, or the hose ready for immediate action, under the direction of the officers of the company to which they may belong; and shall, during the time such engine or hose carriage is employed at a fire, take charge of the hose, and prevent any person from treading on, or otherwise injuring the same.

Fire apparatus, how to be cleaned.

§ 2. That when the engine or hose carriage shall be discharged from duty, (on the putting out of any fire,) by an engineer, it shall be the duty of such persons, under the direction of the officers of the company, to assist the members of said company in taking up the hose and other apparatus, and shall assist in conveying them, together with the engine or hose carriage, and other apparatus, to the house appropriated for it, and there shall wash and dry

Duties of persons appointed to clean apparatus.

the hose, and clean and put in complete order all the apparatus, so as to be ready for immediate use, taking care, however, in no case to meddle with the works of an engine.

Duties of
persons tak-
ing charge
of trucks.

§ 3. It shall be the duty of those persons so appointed, who shall be attached to a hook and ladder company, to preserve the truck and apparatus belonging to their company from injury during the fire; shall assist the members in raising or moving ladders and hooks, under the direction of the officers of said company; and shall, after the truck is discharged from duty, assist the members in collecting the hooks, ladders, and other apparatus, and aid in conveying them, together with the truck, to the house where they belong, and shall then clean and prepare them for immediate use; and each person so appointed to perform the duties in the several engine, hose and hook and ladder companies as above-mentioned, shall not be entitled to the privileges and exemptions of firemen, but shall, for the faithful performance of said services, receive a salary of one hundred and twenty-five dollars per annum.

Compensa-
tion.

City to be
divided into
districts.

§ 4. The city shall be divided into as many districts as there are engineers in the Fire Department, and that such division be made by the engineers, having due regard to the location of the houses of said engines, hose carriages and hook and ladder trucks; and that it shall be the duty of said engineers, after each fire, to see that the engines, hose carriages and hose, hooks and ladders, with their trucks, and all other apparatus belonging to the department, in their respective districts, are in complete order, and ready for immediate use.

Suitable
persons
recommen-
ded by fore-
man to take
care of ap-
paratus.

§ 5. It shall be the duty of each foreman of a fire engine, hose, or hook and ladder company, to recommend to the engineer of his district, suitable persons to take care, as above-mentioned, of the fire engine, hose, hose carriage or

- truck, or hook and ladder of the company to which he may belong; which persons must have served as firemen at least five years; and the foremen shall recommend exempt firemen in preference to all others, and said persons shall, on such recommendation being made through the engineer of his district, be appointed by the Mayor, but no acting fireman shall be appointed to discharge said duties.

§ 6. In case of any neglect of the person or persons employed to keep the engine, hose carriage or truck, or hook and ladder to which he or they shall belong, in order, the engineer shall, forthwith, remove him or them, and report to the Mayor his or their removal, who shall, on recommendation of the engineer, as aforesaid, substitute a person or persons in his or their place; and that, in case any engine, hose carriage or truck be in need of repairs, the engineer in whose district it is, shall report the same to the Chief Engineer, forthwith.

Engineer of district to have power to remove persons employed to keep apparatus.

§ 7. It shall be the duty of all members of the Fire Department, as well as of those who are hired for the purposes mentioned in the first section, to prevent all persons not belonging to the department, and especially boys, from entering any house, or handling any apparatus belonging to the department.

Duty of firemen.

§ 8. Every engineer of the Fire Department, (except the Chief Engineer and such other engineers as hold salaried offices under the Common Council,) shall be paid for his services the sum of five hundred dollars per annum.

Salary of Engineers.

§ 9. That nothing contained in this ordinance shall deprive the Common Council from repealing or altering the same at any time they may think proper.

Adopted by the Board of Assistants, May 9, 1836.

Adopted by the Board of Aldermen, May 9, 1836.

Approved by the Mayor, May 10, 1836.

A LAW to amend a law entitled "A law for preventing and extinguishing fires."

The Mayor, Aldermen and Commonalty of the city of New York, do ordain as follows:

Duty of
marshals
and constables.

1st. It shall be the duty of the marshals and constables to repair, immediately on the alarm of fire, with their staves of office, to the place where such fire may be, and report themselves to the High Constable, or Alderman or Assistant Alderman of the ward in which such fire may happen, and to conform to such orders as may be given them by the Mayor or any one of the Aldermen and Assistants, for the preservation of the public peace, and the removal of all idle and suspected persons, or others not actually or usefully employed in aiding the extinguishment of such fire, or in the preservation of property in the vicinity thereof; and if any marshal or constable shall not attend at such fire, or shall neglect so to report himself, or to obey any orders that shall be given him as aforesaid, he shall, unless he has a reasonable excuse, to be determined by the Mayor, forfeit and pay the sum of five dollars for each offence.

The twenty-eighth section of the law entitled "A law for preventing and extinguishing fires, is hereby repealed.

Passed by the Board of Assistants, October 3, 1836.

Passed by the Board of Aldermen, October 24, 1836.

Approved by the Mayor, October 27, 1836.

1837.

Resolution on occurrence of fires during the setting of the watch.

Resolved, That when a fire occurs during the setting of the watch, it shall be the duty of the watchman by whom it is first discovered, to announce, aloud, the street and block where it originated, and that such announcement be made from watch to watch, throughout the city.

Duty of
watchmen
during the
setting of
the watch.

Adopted by the Board of Assistants, November 13, 1837.

Adopted by the Board of Aldermen, December 4, 1837.

Approved by the Mayor, December 6, 1837.

1838.

AN ORDINANCE to amend and modify the laws and ordinances, as now in force, relating to fires and the Fire Department of the city of New York, and reduce the same into one act.

The Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened, do ordain as follows:

Fire Department,
of whom to
consist.

§ 1. The Fire Department of the said city shall consist of a Chief Engineer, nine Assistant Engineers, a Water Purveyor, and as many Fire Wardens, fire enginemen, hosemen and hook and ladder men as are or may, from time to time, be appointed by the Common Council, and who shall respectively be distinguished by the several appellations aforesaid.

Chief Engineer,
and Assistant
Engineers,
how appointed.

§ 2. The Chief Engineer shall be nominated by the engineers, foremen and assistant foremen; and the Assistant Engineer by the foremen and assistant foremen of the fire companies, respectively, to the Common Council, for appointment, and shall hold their respective offices during the pleasure of the Common Council.

Water Purveyor.

§ 3. The Water Purveyor shall be appointed by the Common Council, and shall hold his office during the pleasure of the Common Council.

Duty of
Chief Engineer.

§ 4. The Chief Engineer shall, in all cases of fire, have the sole and absolute control and command over all the engineers and other persons connected with the Fire Department; it shall be the duty of the Chief Engineer to direct the other engineers to take proper measures to arrange the

several engines in the most advantageous manner, and to cause them to be duly worked for the effectual extinguishment of fires; it shall also be the duty of the said engineer to examine, twice in every year, into the condition and number of the fire engines and other fire apparatus, and fire engine houses, and to report the same, once a year, to the Common Council, together with the names of all the members of the Fire Department, and the respective associations to which they belong; it shall also be the duty of the Chief Engineer to report, in writing, all accidents by fire that may take place in the city, with the causes thereof, as well as they can be ascertained, and the number and the description of the buildings destroyed or injured, together with the names of the owner and occupants, to the City Inspector, who shall keep an accurate register of the same.

§ 5. The Chief Engineer shall receive for his services a ^{Salary.} yearly salary of \$1,200, (twelve hundred dollars,) payable quarterly; and shall before entering upon the duties of his office, take and subscribe an oath or affirmation well and faithfully to perform such duties.

§ 6. In case of any vacancy in the office of Chief Engi- ^{Vacancy.} neer, the Senior Engineer shall discharge the duties of Chief Engineer until the vacancy shall be filled.

§ 7. The engineers, foremen and assistant foremen of the fire companies, respectively, shall meet on the first <sup>Engineers, how ap-
pointed.</sup> Tuesday in June, annually, for the purpose of nominating a suitable person as Chief Engineer; and the foremen and assistant foremen, for the purpose of nominating assistant engineers, shall then and there, or at such other time and place as they may appoint, by joint ballot, designate from the whole body of firemen, by a majority of votes which shall be given, the persons whom they may wish to fill said offices.

Vacancy

§ 8. Whenever any vacancy shall occur in the office of Chief Engineer, it shall be the duty of the Senior Assistant Engineer to notify the engineers, foremen and assistant foremen to meet at such time and place as the said engineer shall designate; and in case of a vacancy among the Assistant Engineers, the Chief Engineer shall notify the foremen and Assistant foremen to meet at such place and time as the said engineer shall designate, and they shall, as aforesaid, by joint ballot, designate from the whole body of firemen, by a majority of votes which shall be given, the person whom they may wish to fill such vacancy.

Duty of
Chief Engi-
neer.

§ 9. It shall be the duty of the Chief Engineer or Senior Engineer to certify, under his hand, to the Common Council, the names who may, from time to time, be designated, pursuant to the provisions of the seventh and eighth sections of this ordinance, for the respective offices for which they may have been nominated; to the end that, if approved of by the Common Council, they may be appointed.

Duty of
Chief, con-
tinued.

§ 10. It shall be the duty of the said Chief Engineer, under the direction of the Joint Committee on Fire and Water, whenever any of the fire engines, hose carts, trucks, hooks and ladders, and other fire apparatus shall require to be repaired, to cause the same to be well and sufficiently done. It shall also be his duty to advertise for estimates for the construction of all new fire engines and other apparatus which may be ordered by the Common Council, and to submit all such estimates, when received by him, to the Committee on Fire and Water, for their approval, previous to any contract being concluded for any such engine or other apparatus. It shall also be his duty to superintend the repairing of all fire engines and apparatus which may be sent to the public yard for that purpose, and generally to see that the fire engines and other apparatus are

kept in good and sufficient order for use. It shall also be his duty to superintend the making of all hose, ladders, hooks, and all other fire apparatus used for extinguishing of fires.

§ 11. All bills for expenditures incurred by and under the Chief Engineer shall, previous to the payment thereof, be examined by the Committee on Fire and Water, and when approved of by them, signed by the Chief, and paid. Bills, how to be paid.

§ 12. The Water Purveyor shall, before entering upon the duties of his office, take and subscribe an oath or affirmation, well and faithfully to perform the said duties. Water Purveyor, oath.

§ 13. The said Water Purveyor shall give a bond, with sufficient surety or sureties, to be approved of by the Finance Committee, conditioned for the faithful performance of the duties of his office. Bond.

§ 14. That the said Water Purveyor shall receive for his services a yearly salary of one thousand dollars, payable quarterly. Salary.

§ 15. It shall be the duty of said Water Purveyor to take charge of the public reservoirs and establishments of water for the extinguishment of fires, and to see that the same, and all the apparatus and machinery belonging thereto, and all the public hydrants are kept in good order. Duties of Water Purveyor.

§ 16. It shall be the duty of the said Water Purveyor to superintend, in person, the laying down of all such water pipes as may be ordered by the Common Council, and generally to take charge, and have the care and superintendence of all public works erected or undertaken for the purpose of procuring or keeping a supply of water for the extinguishment of fires.

§ 17. It shall be the duty of the said Water Purveyor to advertise for estimates for all public works connected Advertise for estimates.

with his department, or for the repairing or altering thereof, except the laying down and repairing water pipes, the expense of which may not, in his judgment, exceed five hundred dollars.

Slight repairs.

§ 18. In all cases of slight repairs, the expense whereof shall not exceed the above sum, the said Water Purveyor shall cause the same to be done without advertising for such estimates.

Estimates to be submitted.

§ 19. All estimates which may be received by the said Water Purveyor, for the expense of work to be done under his superintendence, for his department, shall be submitted by him to the Committee of Fire and Water, for their approval, previous to any contract being concluded for the same.

Bills to be examined by Committee on Fire and Water.

§ 20. All bills for expenditures incurred by or under the direction of the said Water Purveyor shall, previous to the payment thereof, be examined by the said Committee on Fire and Water, and when approved by them, signed by the Water Purveyor, and paid.

Fire Wardens.

§ 21. So many of the freeholders or freemen of the said city as the Common Council may deem proper, shall, from time to time, be appointed in each of the wards of the said city, to be denominated Fire Wardens; each of whom shall be assigned and attached by the Mayor of said city, to such company of firemen, having charge of a fire engine, or any other fire apparatus, as he shall think proper; and shall report himself to the Chief or other engineer, at every fire. And each Fire Warden shall have a certificate, under the seal of the mayoralty, stating his appointment as a Fire Warden, and the company of firemen to which he shall be attached.

By-laws and regulations, &c.

§ 22. The Fire Wardens of each ward shall form a separate company; and each of the said companies shall

and may choose, out of their own number, a foreman and clerk, in such manner, and at such times as they may think proper; and each company may make rules regulating the time and manner of conducting their elections, and imposing such fines upon the members as, in their judgment may best secure the performance of the duties of the said Fire Wardens, both at fires, and at visiting the buildings, and in other duties in their several districts; and any disobedience to such rules shall be reported, by each company, to the Common Council, and shall subject the Fire Wardens, so disobeying, to removal by the Common Council.

§ 23. Whenever a vacancy shall happen in any of said companies, the company in which the same shall happen, may recommend, through the Chief Engineer, to the Common Council, for approbation, a suitable person to fill such vacancy; but none other than those who have been firemen at least three years, shall be so recommended.

Vacancies,
how to be
filled.

§ 24. Every fireman hereafter recommended through the Chief Engineer, to the Common Council, as a suitable person to be appointed as a Fire Warden, shall be, at the time of such recommendation, an actual resident and inhabitant of the ward for which such appointment is required to be made.

Fire Warden to be an inhabitant of the ward.

§ 25. In case any Fire Warden shall remove from the ward to which he shall have been appointed, the said office shall be deemed vacant, and the Chief Engineer shall notify the company of Fire Wardens to proceed to fill the vacancy there made.

Office to become vacant on removal from the ward.

§ 26. The said wardens, when attending fires, shall be subject to the direction of the Chief Engineer, and the other engineers of the Fire Department.

Wardens under the direction of Chief Engineer, &c.

§ 27. It shall be the duty of the said Fire Wardens, immediately on the alarm of fire, to repair to the place where

Duties of Fire Wardens.

it may be, and aid and assist in procuring supplies of water to the fire engines to which they shall be respectively assigned and attached, and to such other engines as the Chief Engineer or other engineer may direct them to attend. It shall also be the duty of the said Fire Wardens to prevent the hose from being trodden on, and to keep all idle and suspected persons at a proper distance from the fire, and from the vicinity, and the citizens are hereby enjoined to comply with the orders and directions of the said Fire Wardens, in the premises.

Wards to
be divided
into dis-
tricts.

§ 28. Each of the said companies shall divide their ward into districts, and the foreman of the company shall attach one or more of the members of said company to each of said districts, for the purpose of making the visitation and examination directed in the next following section; who shall keep a record of the names of the occupants of the houses, and the numbers of the same, wherein they shall observe any violations of this law or of the act for the more effectual prevention of fires; and annually, in the month of January, exhibit a transcript of the same to their foreman, and the said foreman shall report to the Chief Engineer, in the month of June, annually, the name, residence and occupation of each of the wardens of his company; and also, a copy of the record to be kept as aforesaid, under the penalty of fifty dollars for each and every neglect, to be recovered in an action of debt, from the said foreman, by the Attorney of the Corporation, in the name of the Mayor and Commonalty of the city of New York, and it shall be the duty of the Chief Engineer to report to the Mayor, in the month of July, annually, a copy of the aforesaid return and record, which shall be filed in his office.

Penalties.

Duties of
Fire Ward-
ens.

§ 29. It shall be the duty of the said Fire Wardens, twice in every year, viz: in the months of June and Decem

ber, and as much oftener as they may think proper, to examine the dwelling houses and other buildings in their respective wards, for the purpose of ascertaining all violations of any act in force for the more effectual prevention of fires in New York, and also to examine the fire-places, hearths, chimneys, stoves, and the pipes thereto, ovens, boilers, kettles, and also all chemical apparatus which, in their opinion, may be dangerous in causing or promoting fires, and also the places where ashes may be deposited; and, upon finding any of them defective or dangerous, they, or either of them, shall direct the owner or occupant, either by a printed or written notice, to alter, remove, or amend the same, in such manner, and within such reasonable time as they, or either of them, may deem necessary; and in case of neglect or refusal so to do, the party offending shall forfeit and pay twenty-five dollars, and for every day after the time allotted as aforesaid to alter, remove or amend the same, in conformity with the directions aforesaid, the party so offending shall forfeit and pay the further sum of five dollars; and all the expenses of any removal, alteration or amendment, as aforesaid, shall be paid, in the first instance by the occupant, but shall be chargeable against the owner of such dwelling house or other building, and shall be deducted from the rent of the same, unless such expense be rendered necessary by the act or default of such occupant, or unless there be a special agreement to the contrary between the parties. And it shall, moreover, be the duty of the Fire Wardens, or either of them, at such times as aforesaid, to enter into, and examine all buildings, livery or other stables, hay boats or vessels, and places where any gunpowder, hemp, flax, tow, hay, rushes, fire-wood, boards, shingles, shavings or other combustible materials may be lodged, and give such directions, in writing, in the premises, as may be deemed necessary by them or him, rela-

tive to the removal thereof; and in case of neglect or refusal on the part of the possessor of such combustible materials, or any of them, to remove or secure the same within the time and in the manner directed by the said Fire Wardens, or either of them, the party offending shall forfeit and pay twenty-five dollars, and the further sum of five dollars for every day's neglect to remove or secure the same, after being notified.

Duties to be
performed
within the
district.

§ 30. The duties prescribed by the foregoing section shall be performed within each district, by the warden or wardens attached to such district, who shall make an immediate report to the foreman, (who shall record the same in a book to be kept for that purpose,) of all persons neglecting or refusing to comply with the orders and directions aforesaid, together with the circumstances of each case; and shall also make report whether any, and what cases of violations of the laws of this state, prohibiting the construction of wooden buildings, within certain limits in this city, have come to his or their knowledge; and in case of any violation of such law, he or they shall particularly report the name of the owner or owners of said building, and of the master builder, and the particular circumstances of each case; and in case of neglect to report as aforesaid, or to perform any of the duties prescribed in this or the preceding section of this ordinance, such warden or wardens, respectively, shall forfeit and pay the sum of twenty dollars for each neglect, to be recovered in an action of debt, by the Attorney of the Corporation, in the name of the Mayor, Aldermen and Commonalty of the city of New York; and in order that the provisions of this ordinance may be carried into full effect, it shall be the duty of the foreman of each respective company of wardens, to report to the Attorney of the Corporation all violations of the same, whether on the part

of the citizens or of the wardens, under a penalty of fifty dollars for such neglect, to be recovered as aforesaid.

§ 31. The firemen shall be divided into companies, to consist of as many members as the Common Council shall from time to time direct, to attend to the fire engines, hose wagons and hooks and ladders belonging, or that may hereafter belong to the Corporation of the city, or to such hose wagons and hooks and ladders as the Common Council shall direct; and each of the companies shall and may choose, out of their own number, a foreman, assistant and clerk, in such a manner, and at such times as they may think proper; and it shall be the duty of the said firemen, as often as any fire shall break out in the said city, to repair, immediately upon the alarm thereof, to their respective engines, hose wagons, hooks and ladders, and convey them to or near the place where such fire shall happen, unless otherwise directed by the Chief or other engineer; and there, in conformity with the directions given by the Chief Engineer, or other engineers, to work and manage the said engines, or apparatus and implements, with all their skill and power; and when the fire is extinguished, they shall not remove therefrom but by the permission of an engineer; and on such permission they shall return their respective hose wagons, hooks and ladders, engines and apparatus, well washed and cleansed, to their several places of deposit. If any fireman shall neglect to attend to any fire as aforesaid, or leave his fire engine or other apparatus while at any fire, without permission, or shall neglect to do his duty on such occasion, without reasonable excuse, he shall, for every such default, forfeit and pay the sum of three dollars; and may, on request of the company to which he belongs, be removed from his station as a fireman.

Firemen to
be divided
into compa-
nies.

§ 32. There shall be two persons appointed to each fire

Persons to
clean appa-
ratus.

engine and hose company within the lamp and watch district of this city, whose duty it shall be to keep all the apparatus of said companies in complete order, and ready for immediate use; and who shall, at every alarm of fire, repair, forthwith, to the house of the engine or hose company to which they shall be conveying the engine, carriage or truck, to wherever such fire may happen, and there to assist the company in getting the engine to work, or the hose ready for immediate action, under the direction of the officers of the company to which they may belong, and shall, during the time such engine or hose carriage is employed at a fire, take charge of the hose, and prevent any person from treading on, or otherwise injuring the same.

Duties.

§ 33. That when the engine or hose carriage shall be discharged from duty, (on the putting out of any fire,) by an engineer, it shall be the duty of such persons, under the direction of the officers of their company, to assist the members of said company to take up the hose and other apparatus, and shall assist in conveying them, together with the engine or hose carriage, or other apparatus, to the house appropriated for it, and there shall wash and dry the hose, and clean, and put in complete order, all the apparatus, so as to be ready for immediate use; taking care in no case to meddle with the works of an engine.

Salary.

§ 34. It shall be the duty of the persons so appointed, who shall be attached to a hook and ladder company, to preserve the truck and apparatus belonging to their company from injury during the fire; shall assist the members in raising or moving the ladders and hooks, under the direction of the officers of said company; and shall, after the truck is discharged from duty, assist the members in collecting the hooks, ladders and other apparatus, and aid in

conveying them, together with the truck, to the house where they belong, and shall there clean and prepare them for immediate use; and each person so appointed to perform the duties in the several engine and hose companies, as above-mentioned, shall not be entitled to the privileges and exemptions of firemen; but shall, for the faithful performance of said services, receive a salary of one hundred and twenty-five dollars per annum.

§ 35. It shall be the duty of each foreman of a fire engine or hose company to recommend to the Chief Engineer suitable persons to take care, as above mentioned, of the fire engine, hose carriage or truck of the company to which he may belong; which persons must have served as firemen at least five years; and the foreman shall recommend exempt firemen in preference to all others; and said persons shall, on such recommendation being made through the Chief Engineer, be appointed by the Mayor; but no acting fireman shall be appointed to discharge said duties. To be firemen for five years.

§ 36. In case of any neglect of the person or persons employed to keep the engine, hose carriage or truck to which he or they shall belong, in order, the Chief Engineer shall, on the request of the foreman of the company to which such person or persons belong, forthwith remove him or them, and report to the Mayor his or their removal; who shall, on the recommendation of said foreman, made through the Chief Engineer, as aforesaid, substitute a person or persons in his or their place; and that in case any engine, hose carriage or truck be in need of repairs, the foreman thereof shall report the same to the Chief Engineer. Removal.

§ 37. It shall be the duty of all members of the Fire Department, as well as those who are hired for the purposes above mentioned, to prevent all persons not belonging Members to prevent handling of apparatus.

to the department from entering any house, or handling any apparatus belonging to the department.

Not to go on side-walks without special order.

Penalty.

§ 38. No fire engine, nor hook and ladder, nor hose cart, in going to or returning from any fire, or at any other time, to be run, driven, wheeled, or placed upon any side-walk, except by the special order of one of the engineers, under the penalty of *twenty-five dollars* for each offence, to be forfeited and paid by every person aiding or assisting in, or consenting to the violation of one of the provisions of this section, to be recovered by the Attorney of the Common Council, for the use of the Corporation.

Apparatus, &c., not to be removed unless foreman or assistant foreman or two firemen present.

Penalty.

§ 39. No such fire engine, hook and ladder, or hose cart, during any fire in this city, or any report of fire, or at any time, under any pretence whatever, shall be taken or removed out of its house, unless the foreman or assistant foreman, or at least two of the firemen of the company to which the same shall belong shall be present and consent thereto, under the penalty of *ten dollars* for every such offence, to be forfeited and paid by, and recovered from any and every person aiding and assisting in, or consenting to the violation of any of the provisions of this section.

Duty of Engineers, &c. to report violations.

§ 40. It shall be the duty of the several engineers, and of every foreman and assistant foreman of every fire company, to report all violations of this ordinance to the treasurer of the Fire Department.

Power of Committee on Fire and Water.

§ 41. The Committee on Fire and Water, under the advice of the Chief Engineer, shall be authorized and empowered to take any fire engine, hook and ladder, or hose truck from the company, and place the same in the public yard, or give the same to some other company.

Companies when in want of

§ 42. All firemen attached to any fire engine, hose or hook and ladder company, whose machine and implements

shall have been ordered to the public yard, for want of a complement of sufficient complement of men to manage the same, shall be attached, by the Fire and Water Committee, to any other company they may designate; and in case of their refusal to designate such company to which they wish to be attached, they shall be liable to expulsion.

§ 43. No fire engine shall be let out for hire, or let, in any case, without permission from the Alderman and Assistant of the ward wherein it is wanted to be used, and the Chief Engineer; in default thereof, the foremen so offending shall be removed from the Fire Department.

No engine to be hired or lent, in any case, unless permitted.

§ 44. Whenever any fireman is appointed to supply any vacancy in any company, it shall be his duty to call on the treasurer of the Fire Department and procure a certificate, within one month from the date of his appointment, specifying the name and number of the company to which such fireman shall be elected; and any foreman, after being re-elected, shall obtain a new certificate as aforesaid; on every return, whether a vacancy exists in the company.

Certificate of appointment and re-election.

§ 45. If any foreman shall be expelled by a vote of the company to which he may belong, and the fact being reported to the Common Council by the Chief Engineer, accompanied by a remonstrance by the person so expelled, in every such case the subject shall be referred to the Committee on Fire and Water of the two Boards, as a Joint Committee, together with the Chief Engineer, who shall hear the parties, and report thereon, at the next meeting of the Common Council.

Firemen expelled to be referred to Committee, if they remonstrate.

§ 46. In order that the members of the Common Council, Engineers and Fire Wardens may be more readily distinguished at fires, the Mayor, Aldermen and Assistants, shall severally bear, on these occasions, a wand with a

How Aldermen, Assistants, Engineers and Fire Wardens are to be distinguished.

gilded flame at the top; and each of the engineers shall wear a leathern cap, painted white, with a gilded front, thereto, and a fire engine blazoned thereon, and shall also carry a speaking trumpet, painted black, with the words "Chief Engineer," "Engineer No. 1," as the case may be, in white, which shall also be painted on their caps respectively; and each of the Fire Wardens shall wear a hat, with the brim black, the crown painted white, and the city arms blazoned on the front, and shall also carry a speaking trumpet, painted white, with the word "Warden," in black, painted thereon.

Caps of the firemen.

§ 47. The foremen of engine companies, and the firemen shall, when on duty, wear leathern caps, in the form heretofore used; and the said caps shall be painted and distinguished in the manner following, viz: the cap of each foreman shall be painted black, with a white frontispiece, and the word "Foreman," with the initials of the name of the foreman, and the number of the engine to which he belongs painted thereon, in black; the cap of each fireman shall be painted black, with the initials of the name of the fireman and the number of the engine to which he belongs, painted in front thereof, in white. The foreman of each of the hook and ladder companies shall wear a cap, painted black, with a white frontispiece, and the word "Foreman," and the initials of his name, and the number of the company to which he belongs, and a hook and ladder painted thereon, in black; and each member of the hook and ladder companies shall wear a cap, painted black, with the initials of his name and the number of the company to which he belongs, with a hook and ladder painted in front thereof, in white; and each foreman of the fire hose companies shall wear a cap, painted black, with a white frontispiece, and the word "Foreman," and the initials of his name, and the number of the company to which he belongs, and a

coil of hose painted thereon, in black; and each member of the said fire hose companies shall wear a cap, painted black, with the initials of his name, and the number of the company to which he belongs, with a coil of hose painted thereon, in white; and the assistant to each respective company shall wear a cap, painted in the same manner as that of the foreman of the company, with the word "Assistant," in lieu of the word "Foreman." And that it shall be the duty of the Chief Engineer to report to the Common Council the name of every person who shall neglect or refuse to comply with the foregoing requisitions, which said person shall thereupon be removed from his office.

§ 48. The names and places of abode of the members of the Common Council, Engineers, Fire Wardens and Foremen of the respective companies, and bell-ringers shall, annually, in the month of June, be printed, and set up in the several watch houses, by the City Inspector; and whenever any fire shall happen in the night, the watch shall give notice to each of the members of the Common Council, Engineers, Fire Wardens, Foremen and bell-ringers within their respective watch districts; and it shall, moreover, be the duty of every watchman, upon the breaking out of any fire, to alarm the citizens by crying fire, and mentioning the street where it may be, so that the firemen and citizens may thereby be directed where to repair; and if any watchman shall neglect so to do, he shall forfeit and pay the sum of *one dollar*; and if it shall happen that a chimney only shall be on fire, either by day or by night, the fire bell at the City Hall, and the bells of the several churches in this city shall not be rung; but only on occasions where a building shall be proclaimed to be on fire; and it is enjoined on the occupants to place a lighted candle at the windows of their respective buildings, where fire may happen at night,

Aldermen
and Assist-
ants, Fire
Wardens,
Foremen
and Bell
ringers to
be notified
of fires by
the watch-
men.

in order that the citizens may pass along the streets with the greater safety.

Watchman
to be sta-
tioned in
cupola of
City Hall.

§ 49. A watchman shall, at all times, be stationed in the cupola at the City Hall, for the purpose of giving alarms of fire whenever cause thereof shall arise; the Chief Engineer, by and with the consent of the Mayor, shall appoint a competent number of persons to perform the duty of such watchmen, day and night; and they shall be severally removable by the Chief Engineer, and at all times during the night be subject to the rules and regulations of the Watch Department, and the authority of the officers of the watch; and, as such, members of the Watch Department.

Watchmen
to give no-
tice of lo-
cality, &c.,
of fire, by
ringing bell

§ 50. On the occurrence of any fire, the City Hall bell shall be rung by the watchman on duty in the cupola, and the ringing thereof shall be continued during the continuance of the fire, and he shall give notice of the locality of the fire by ringing said bell in a manner which shall be inscribed by direction, to be given by the Committee on Fire and Water and Chief Engineer, and by hanging out a light in the direction of the fire; and for neglect of any of the duties required by this law, he shall be removed from office by the Chief Engineer or Captain of the Watch.

Bells to
be rung.

§ 51. That upon the happening of any fire, the several watch houses and market bells shall be rung, and also all other alarm bells, and the same shall be done whenever any one alarm bell shall ring, and the ringing thereof shall be continued until the ringing of the City Hall bell shall be stopped.

Watch-
men, &c.,
to be re-
moved for
neglect.

§ 52. That all watchmen, bell-ringers, and other persons or officers charged with the ringing of bells in cases of fire, shall, on neglect to comply with the requisitions of this law, be removed from office, by the person or authority

having power to remove him, on such person or authority being credibly informed of such neglect, and he shall not be re-appointed to that or any other office under the Corporation, within one year after such removal.

§ 53. The Chief Engineer is hereby required to report to the Common Council all cases of neglect on the part of the bell-ringers to churches to ring their bells on alarms of fire.

Chief Engineer to report cases of neglect.

§ 54. The Captains of the Watch, respectively, shall remove from office every watchman who shall fail or neglect to give the notice and alarm of fire, by crying fire, and mentioning the street where it may be, as required by the fifty-first section of this ordinance, and such removal shall be made by such captain, on his being credibly informed thereof, by any member or officer of the Fire Department.

Captains of Watch to remove watchmen for neglect.

§ 55. It shall be the duty of the marshals and constables to repair, immediately on the alarm of fire, with their staves of office, to the place where such fire may be; and report themselves to the high constable; or Alderman or Assistant Alderman of the ward in which such fire may happen; and to conform to such orders as may be given them by the Mayor, or any one of the Aldermen or Assistants, for the preservation of the public peace, and the removal of all idle and suspected persons, or others not actually or usefully employed in aiding the extinguishment of such fire, or in the preservation of property in the vicinity thereof; and if any marshal or constable shall not attend at such fire, or shall neglect so to report himself, or to obey any order that shall be given him as aforesaid, he shall, unless he has a reasonable excuse, to be determined by the Mayor, forfeit and pay the sum of five dollars for each offence.

Constables and Marshals to attend fires.

Penalty for chimneys being on fire. § 56. If any chimney, stove pipe or flue within this city, shall take fire, the occupant of the house to which such chimney, stove pipe or flue appertains, shall forfeit and pay *five dollars*.

Carpenters, &c., to secure shavings. § 57. All carpenters or others making or using shavings, shall respectively, at the close of each day, cause the same to be securely stowed in some safe place, remote from danger by means of fire, under the penalty of *five dollars* for each omission so to do.

Of fires in streets. § 58. No person shall kindle any fire, or furnish the materials for any fire, to be made in any street, road or lane, or any pier or bulkhead in this city, except for the purpose of boiling tar, which fire shall not be more than six feet from the bulkhead or the end of the pier, under the penalty of *ten dollars* for every such offence.

Hay and straw, how to be placed. § 59. No person shall have, put, or keep any hay or straw, uncovered, in any stack or pile, or in any other way exposed, within one hundred yards of any building to the southward of Fourteenth street, or shall have, put or keep, to the southward of said line, any hay, straw, hemp, flax, shavings or rushes, in any building not built of stone or brick, and covered with tile or slate, or other fire proof materials, which is or shall be within ten feet of any dwelling house or chimney whatsoever, under the penalty of *twenty-five dollars* for every such offence, and the further penalty of *ten dollars* for every twenty-four hours the same shall so remain, after a printed or written notice has been given, to the owner or person having charge thereof, by any Fire Warden, to remove the same.

Candles, how to be used in stables. § 60. No owner or occupant of any stable within this city, or any person in the employment of such owner or occupant, shall use therein any lighted candle or lamp,

except the same shall be securely kept within a lantern, under the penalty of *ten dollars* for every such offence.

§ 61. All the fines, penalties and forfeitures imposed by this law, on the members of the Fire Department, for not attending to fires, shall, when received, be paid to the treasurers of the respective companies aforesaid, in which the delinquencies may happen, for the use and benefit of said companies; and all the other fines, penalties and forfeitures imposed by this law, shall, when recovered, be paid to the treasurer of the "Fire Department of the city of New York," for the use and benefit of the said Fire Department. The Chief Engineer shall, annually, on the second Monday of December, in each year, report to the Common Council the amount of the sums which may be received by the Fire Department of the city of New York, and the application thereof.

Penalties,
how appro-
priated.

§ 62. It shall be lawful for the Fire Department of the city of New York, and for the respective companies before-mentioned, or persons duly authorized by them, to receive, sue for, and recover, in the name of the Mayor, Aldermen and Commonalty of the city of New York, all the fines, penalties and forfeitures hereby imposed, and appropriated for their respective uses as aforesaid, except the penalty mentioned in the thirty-eighth section of this law.

Penalties
how recov-
ered.

§ 63. No person shall be elected a fireman until he shall have attained the age of twenty-one years; and it shall be the duty of the foremen of the respective fire companies, when they report to the Chief Engineer the names of the persons elected firemen, to certify that the persons so elected are at least twenty-one years of age.

Firemen
not to be
elected un-
der a cer-
tain age.

§ 64. It shall be the duty of the Clerk of the Common Council to furnish the certificates, required to be furnished to the firemen, without fee or reward.

Certificates

Appoint-
ment of,
when to
take place.

§ 65. It shall be the special duty of the Mayor, to see that this ordinance is carried into full effect. This ordinance shall take effect immediately after the passage thereof; and the first appointment of Chief and Assistant Engineers, under this ordinance, shall take place on or about the first Tuesday of June next.

§ 66. Nothing contained in this ordinance shall deprive the Common Council of the power to repeal or alter the same at any time they may think proper.

§ 67. All laws, or parts of laws, relating to the New York Fire Department, heretofore passed by the Common Council, are hereby declared to be repealed.

Passed by the Board of Aldermen, April 23, 1838.

Passed by the Board of Assistants, May 4, 1838.

Approved by the Mayor, May 7, 1838.

Amend-
ment.

Whereas, The recent ordinance passed by the Common Council,* in relation to the Fire Department, the company known as the hydrant company was accidentally omitted to be embraced in said ordinance; therefore;

Resolved, That the words "hydrant company" be inserted in section first, and the word "hydrant" in section thirty-one of the said ordinance, in the fourth and seventh lines thereof; and that the words "fire engine" be also inserted in the sixth line of said section.

Adopted by the Board of Assistants, May 7, 1838.

Adopted by the Board of Aldermen, May 8, 1838.

Approved by the Mayor, May 9, 1838.

* The ordinance referred to is the general ordinance, approved May 7th, 1838.

AN ORDINANCE *relative to Commissioners of Fires.*

The Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened, do ordain as follows:

§ 1. The Common Council may appoint three persons, ^{Commissioners of} Commissioners to investigate the causes of fires in the city of New York, who shall hold their office during the pleasure of the Common Council, and shall receive a compensation at and after the rate of one thousand dollars per annum.

§ 2. It shall be the duty of the said Commissioners to ^{Duties.} attend all fires which shall occur in the city of New York, and immediately after each fire, to investigate the cause thereof, and inquire and ascertain, as nearly as may be, in what manner the same originated, and particularly, whether by design or by negligence, by defect in the construction of the building, or the manner of warming or lighting it; by the business carried on in such building, or in the manner in which it was conducted, or by the combination of materials liable to spontaneous combustion.

§ 3. It shall further be the duty of the said Commissioners to keep a record of their proceedings, and of the evidence taken by them in each case, and to file a report of their proceedings in each case, together with a copy of the evidence taken, and their opinion as to the cause or origin of the fire, in the office of the Clerk of the Common Council; and they shall be authorized to employ such clerk or agent, at a compensation to be fixed by them, and to provide for such stationery and other expenses as they may deem necessary, to an amount, in the whole, including such compensation and expenses, not exceeding one thousand dollars per annum, to be audited by the Comptroller.

**Power to
issue sub-
pœna.** § 4. A summons or subpœna, in the name of the Mayor, Aldermen and Commonalty of the city of New York, and subscribed with the names of a majority of the said Commissioners, may be issued by the said Commissioners, requiring any person or persons in the city of New York, to attend before them, and testify, upon oath or affirmation, concerning any fires in the city of New York.

**Penalty for
refusing.** § 5. Every person who, having been personally served with such summons or subpœna, shall neglect or refuse to attend before the said Commissioners, or shall refuse to testify, under oath or affirmation, shall, for every offence, forfeit the sum of twenty-five dollars.

§ 6. That this ordinance shall take effect on the first day of August next, providing the sum of four thousand dollars shall be previously paid into the city treasury, by one or more of the insurance companies of the city of New York, for the purpose of defraying the expenses incurred, and shall continue in force, (unless repealed,) so long as one or more of the said insurance companies shall, on or before the first day of June, in each year, pay into the city treasury the sum of four thousand dollars, for the purpose of defraying the expense; and that on failure to make such payment, this ordinance shall expire on the first day of August succeeding such failure.

Passed by the Board of Aldermen, July 2, 1838.

Passed by the Board of Assistants, July 9, 1838.

Approved by the Mayor, July 10, 1838.

AN ORDINANCE *to amend the law relating to fires and the Fire Department of the city of New York, approved by the Mayor, May 7, 1888.*

§ 1. It shall be the duty of each and every fire company, Fire companies to obey Chief. in going to, or returning from any fire, or alarm of fire, or removing their apparatus from their respective places of deposit, to obey the orders of the Chief or other engineer.

§ 2. And in case any foreman or assistant foreman, or Penalty. any other fireman having charge of any fire company, disobeying, or refusing to obey any order or direction given by the Chief or other engineers, shall, for such offence, be expelled from the Fire Department.

§ 3. The word "permission" shall be stricken out, and the word "direction" shall be inserted, in the third and fourth lines from the bottom of page 10, section thirty-one, of the law named above.

Passed the Board of Aldermen, December 17, 1888.

Passed the Board of Assistants, December 24, 1888.

Approved by the Mayor, December 28, 1888.

1839.

AN ORDINANCE to amend an ordinance entitled "*An ordinance to amend and modify the laws and ordinances now in force relating to fires and the Fire Department of the city of New York, and reduce them into one act;*" passed May 7, 1838.

Chief En-
gineer how
nominated.

§ 1. The second section of the said ordinance is hereby amended by inserting the word "engineers," between the words "the" and "foremen," in the third line of the said section, so that the second section, as amended, shall read as follows: "The Chief Engineer shall be nominated by the engineers, foremen and assistant foremen; and the Assistant Engineer by the engineers, foremen and assistant foremen of the fire companies, respectively, to the Common Council, for appointment, and shall hold their respective offices during the pleasure of the Common Council."

Vacancy
of Chief
Engineer
how filled.

§ 2. The eighth section of the said ordinance is hereby amended by inserting the word "engineers," between the words "the" and "foremen," in the seventh line of the said section, so that the said section, as amended, shall read as follows: "Whenever any vacancy shall occur in the office of Chief Engineer, it shall be the duty of the Senior Assistant Engineer to notify the engineers, foremen and assistant foremen to meet at such time and place as the said engineer shall designate, and they shall, as aforesaid, by joint ballot, designate, from the whole body of firemen, and a majority of votes shall be given to the person whom they may wish to fill such vacancy."

§ 3. The seventh section of the said ordinance is hereby repealed.

§ 4. The ninth section of the said ordinance is amended by striking out the words "seventh and," in the fifth line.

§ 5. The fifth section of the said ordinance is hereby ^{Bond.} amended, by adding, at the end thereof, the following: "He shall also give a bond, with sufficient sureties, to be approved by the Finance Committees of both Boards, in the penal sum of five thousand dollars, conditioned for the faithful performance of the duties of his office;" so that the said section, as amended, shall read as follows: "The Chief Engineer shall receive for his services a yearly salary of ^{Salary.} one thousand two hundred dollars, payable quarterly; and shall, before entering upon the duties of his office, take and subscribe an oath or affirmation, well and faithfully to perform such duties; he shall also give a bond, with sufficient security, in sureties to be approved by the Finance Committees of both Boards, in the penal sum of five thousand dollars, conditioned for the faithful performance of the duties of his office."

Passed the Board of Assistants, February 25, 1839.

Passed the Board of Aldermen, February 25, 1839.

Approved by the Mayor, February 28, 1839.

AN ORDINANCE. *Of fires and the Fire Department.*

(PASSED April 23d, 1839.)

The Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened, do ordain as follows:

§ 1. The Fire Department of the said city shall consist of a Chief Engineer, nine Assistant Engineers, a Water Purveyor, hydrant company, and as many Fire Wardens, ^{Fire Department, of whom to consist.}

fire enginemen, hosemen and hook and ladder men as are or may, from time to time, be appointed by the Common Council, and who shall respectively be distinguished by the several appellations aforesaid.

Chief Engineer, and Assistant Engineers, how appointed. § 2. The Chief Engineer shall be nominated by the engineers, foremen and assistant foremen; and the Assistant Engineers by the foremen and assistant foremen of the fire companies, respectively, to the Common Council, for appointment, and shall hold their respective offices during the pleasure of the Common Council.

Water Purveyor. § 3. The Water Purveyor shall be appointed by, and shall hold his office during the pleasure of the Common Council.

Duty of Chief Engineer. § 4. The Chief Engineer shall, in all cases of fire, have the sole and absolute control and command over all the engineers and other persons connected with the Fire Department; it shall be the duty of the Chief Engineer to direct the other engineers to take proper measures to arrange the several fire engines in the most advantageous manner, and to cause them to be duly worked for the effectual extinguishment of fires; it shall also be the duty of the said Chief Engineer to examine, twice in every year, into the condition and number of the fire engines and other fire apparatus, and fire engine houses, and to report the same, once a year, to the Common Council, together with the names of all the members of the Fire Department, and the respective associations to which they belong; it shall also be the duty of the Chief Engineer to report, in writing, all accidents by fire that may take place in this city, with the causes thereof, as well as they can be ascertained, and the number and description of the buildings destroyed or injured, together with the names of the owners and occupants, to the City Inspector, who shall keep an accurate register of the same.

§ 5. The Chief Engineer shall receive for his services a ^{Salary.} yearly salary of one thousand two hundred dollars, payable quarterly; and shall, before entering upon the duties of his office, take and subscribe an oath or affirmation well and faithfully to perform such duties. He shall also give a bond, with sufficient security, in sureties to be approved by the Finance Committees of both Boards, in the penal sum of five thousand dollars, conditioned for the faithful performance of the duties of his office.

§ 6. In case of any vacancy in the office of Chief Engineer, the Senior Engineer shall discharge the duties of ^{Vacancy supplied.} Chief Engineer until the vacancy shall be filled.

§ 7. Whenever any vacancy shall occur in the office of ^{Vacancy in Engineer department} Chief Engineer, it shall be the duty of the Senior Assistant Engineer to notify the engineers, foremen and assistant foremen to meet at such time and place as the said engineer shall designate; and in case of a vacancy among the Assistant Engineers, the Chief Engineer shall notify the engineers, foremen and assistant foremen to meet at such place and time as the said engineer shall designate, and they shall, as aforesaid, by joint ballot, designate from the whole body of firemen, by a majority of votes which shall be given, the person whom they may wish to fill such vacancy.

§ 8. It shall be the duty of the Chief Engineer or Senior Engineer to certify, under his hand, to the Common Council, the names of the persons who may, from time to time, be designated, pursuant to the provisions of the seventh section of this ordinance, for the respective offices for which ^{Duty of Chief Engineer to report names of those designated to Common Council.} they may have been nominated; to the end that, if approved of by the Common Council, they may be appointed.

§ 9. It shall be the duty of the said Chief Engineer, ^{Duty of Chief Engineer.} under the direction of the Joint Committee on Fire and Water, whenever any of the fire engines, hose carts, trucks,

Vacancy hooks and ladders, and other fire apparatus shall require to be repaired, to cause the same to be well and sufficiently done. It shall also be his duty to advertise for estimates for the construction of all new fire engines and other apparatus which may be ordered by the Common Council, and to submit all such estimates, when received by him, to the Committee on Fire and Water, for their approval, previous to any such contract being concluded for any such fire engine or other apparatus. It shall also be his duty to superintend the repairing of all fire engines and apparatus which may be sent to the public yard for that purpose, and generally to see that the fire engines and other apparatus are kept in good and sufficient order for use. It shall also be his duty to superintend the making of all hose, ladders, hooks, and other fire apparatus used for extinguishing fires.

Old Engines and hose to be sold. § 10. The Superintendent of Buildings and Chief Engineer, under the advice of the Committee on Fire and Water, are authorized to sell, for cash, any old and condemned fire engines and hose deposited at the public yard. They shall pay the money received for such engines or hose, when sold, to the city treasurer, and deposit the receipts for such money with the Comptroller.

Bills to be approved by Committee. § 11. All bills for expenditures incurred by or under the direction of the said Chief Engineer shall, previous to the payment thereof, be examined by the said Committee on Fire and Water, and when approved of by them, be signed by the said Chief, and paid.

Water Purveyor, oath. § 12. The Water Purveyor shall, before entering upon the duties of his office, take and subscribe an oath or affirmation, well and faithfully to perform the said duties.

Bond. § 13. The said Water Purveyor shall give a bond, with sufficient surety or sureties, to be approved of by the Fi-

nance Committee of both boards, conditioned for the faithful performance of the duties of his office.

§ 14. The said Water Purveyor shall receive for his services a yearly salary of one thousand dollars, payable quarterly. Salary.

§ 15. It shall be the duty of the said Water Purveyor to take charge of the public reservoirs and establishments for water for the extinguishment of fires, and to see that the same, and all the apparatus and machinery belonging thereto, and all the public hydrants are kept in good order. Duties of Water Purveyor.

§ 16. It shall be the duty of the said Water Purveyor to superintend, in person, the laying down of all such water pipes as may be ordered by the Common Council, and generally to take charge, and to have the care and superintendence of all public works erected or undertaken for the purpose of procuring or keeping a supply of water for the extinguishment of fires. His duty as to pipes.

§ 17. It shall be the duty of the said Water Purveyor to advertise for estimates for all public works connected with his department, or for the repairing or altering thereof, except the laying down and repairing water pipes, the expense of which may not, in his judgment, exceed the sum of five hundred dollars. Advertise for estimates.

§ 18. In all cases of slight repairs, the expense whereof shall not exceed the above sum, the said Water Purveyor shall cause the same to be done without advertising for such estimates. Slight repairs.

§ 19. All estimates which may be received by the said Water Purveyor, for the expense of the work to be done under his superintendence, or for his department, shall be submitted by him to the Committee on Fire and Water, for Estimates to be submitted.

their approval, previous to any contract being concluded for the same.

Bills to be
examined
by Com-
mittee on
Fire and
Water.

§ 20. All bills for expenditures incurred by or under the direction of the said Water Purveyor shall, previous to the payment thereof, be examined by the said Committee on Fire and Water, and when approved of by them, signed by the Water Purveyor, and paid.

Fire Ward-
ens.

§ 21. So many of the freeholders or freemen of the said city as the Common Council may deem proper, shall, from time to time, be appointed in each of the wards of said city, to be denominated Fire Wardens; each of whom shall be assigned and attached by the Mayor of the said city, to such company of firemen, having charge of a fire engine, or any other fire apparatus, as he shall think proper; and shall report himself to the Chief or other engineer, at every fire. And each Fire Warden shall have a certificate, under the seal of the mayoralty, stating his appointment as a Fire Warden, and the company of firemen to which he shall be attached.

By-laws
and regula-
tions, &c.

§ 22. The Fire Wardens of each ward shall form a separate company; and each of the said companies shall and may choose, out of their own number, a foreman and clerk, in such manner, and at such times as they may think proper; and each company may make rules regulating the time and manner of conducting their elections, and imposing such fines upon the members as, in their judgment may best secure the performance of the duties of the said Fire Wardens, both at fires and at visiting the buildings, and in other duties in their several districts; and any disobedience to such rules shall be reported, by each company, to the Common Council, and shall subject the Fire Wardens, so disobeying, to removal by the Common Council.

"annuities,

§ 23. Whenever a vacancy shall happen in any of the

said companies, the company in which the same shall happen, may recommend, through the Chief Engineer, to the Common Council, for approbation, a suitable person to fill such vacancy; but none other than those who have been firemen at least three years, shall be so recommended.

how to be filled.

§ 24. Every fireman hereafter recommended through the Chief Engineer, to the Common Council, as a suitable person to be appointed as a Fire Warden, shall be, at the time of such recommendation, an actual resident and inhabitant of the ward for which such appointment is required to be made.

Fire Ward-
en to be an
inhabitant
of the ward

§ 25. In case any Fire Warden shall remove from the ward to which he shall have been appointed, the said office shall be deemed vacant, and the Chief Engineer shall notify the company of Fire Wardens to proceed to fill the vacancy there made.

Office to be-
come va-
cant on re-
moval from
the ward.

§ 26. The said wardens, when attending fires, shall be subject to the direction of the Chief Engineer, and the other engineers of the Fire Department.

Wardens
under the
direction of
Chief Engi-
neer, &c.

§ 27. It shall be the duty of the said Fire Wardens, immediately on the alarm of fire, to repair to the place where it may be, and aid and assist in procuring supplies of water to the fire engines to which they may be respectively assigned and attached, and to such other engines as the Chief Engineer or other engineer may direct them to attend. It shall also be the duty of the said Fire Wardens to prevent the hose from being trod on, and to keep all idle and suspected persons at a proper distance from the fire and the vicinity; and the citizens are hereby enjoined to comply with the orders and directions of the said Fire Wardens, in the premises.

Duties of
Fire Ward-
ens.

§ 28. Each of the said companies shall divide their ward into districts, and the foreman of the company shall attach

Wards to
be divided
into dis-
tricts.

one or more of the members of said company to each of said districts, for the purpose of making the visitation and examination directed in the next following section; who shall keep a record of the names of the occupants of the houses, and the numbers of the same, wherein they shall observe any violations of this law or of the act for the more effectual prevention of fires; and annually, in the month of January, exhibit a transcript of the same to their foreman, and the said foreman shall report to the Chief Engineer, in the month of June, annually, the name, residence and occupation of each of the wardens of his company; and also a copy of the record to be kept as aforesaid, under the penalty of fifty dollars for each and every neglect, to be recovered in an action of debt, from the said foreman, by the Attorney of the Corporation, in the name of the Mayor, Aldermen and Commonalty of the city of New York, and it shall be the duty of the Chief Engineer to report to the Mayor, in the month of July, annually, a copy of the aforesaid return and record, which shall be filed in his office.

Foremen to
report to
Chief En-
gineer.

§ 29. It shall be the duty of the said Fire Wardens, twice in every year, viz: in the months of June and December, and as much oftener as they may think proper, to examine the dwelling houses and other buildings in their respective wards, for the purpose of ascertaining all violations of any act in force for the more effectual prevention of fires in New York, and also to examine the fire-places, hearths, chimneys, stoves, and the pipes thereto, ovens, boilers, kettles, and also all chemical apparatus which, in their opinion, may be dangerous in causing or promoting fires, and also the places where ashes may be deposited; and, upon finding any of them defective or dangerous, they, or either of them, shall direct the owner or occupant, either by a printed or written notice, to alter, remove, or amend the same, in such

manner, and within such reasonable time as they, or either of them, may deem necessary; and in case of refusal or neglect so to do, the party offending shall forfeit and pay twenty-five dollars, and for every day after the time allotted as aforesaid to alter, remove or amend the same, in conformity with the directions aforesaid, the party so offending shall forfeit and pay the further sum of five dollars; and all the expenses of any removal, alteration or amendment, as aforesaid, shall be paid, in the first instance by the occupant, but shall be chargeable against the owner of such dwelling house or other building, and shall be deducted from the rent of the same, unless such expense be rendered necessary by the act or default of such occupant, or unless there be a special agreement to the contrary between the parties. And it shall, moreover, be the duty of the Fire Wardens, or either of them, at such times as aforesaid, to enter into, and examine all buildings, livery or other stables, hay boats or vessels, and places where any gunpowder, hemp, flax, tow, hay, rushes, fire-wood, boards, shingles, shavings or other combustible materials may be lodged, and give such directions, in writing, in the premises, as may be deemed necessary by them or him, relative to the removal thereof; and in case of neglect or refusal on the part of the possessor of such combustible materials, or any of them, to remove or secure the same within the time and in the manner directed by the said Fire Wardens, or either of them, the party offending shall forfeit and pay twenty-five dollars, and the further sum of five dollars for every day's neglect to remove or secure the same, after being so notified.

§ 30. The duties prescribed by the foregoing section shall be performed within each district, by the warden or wardens attached to such district, who shall make an immediate report to the foreman, (who shall record the same in

Wardens
to report to
foreman
and to Cor-
poration
Attorney.

Duties to be performed within the district.

a book to be kept for that purpose,) of all persons neglecting or refusing to comply with the orders and directions aforesaid, together with the circumstances of each case; and shall also make report whether any, and what cases of violations of the laws of this state, prohibiting the construction of wooden buildings, within certain limits in this city, have come to his or their knowledge; and in case of any violation of such law, he or they shall particularly report the name of the owner or owners of the building, and of the master builder, and of the particular circumstances of each case; and in case of neglect to report as aforesaid, or to perform any of the duties prescribed in this or the preceding section of this ordinance, such warden or wardens, respectively, shall forfeit and pay the sum of twenty dollars for each neglect, to be recovered in an action of debt, by the Attorney of the Corporation, in the name of the Mayor, Aldermen and Commonalty of the city of New York; and in order that the provisions of this ordinance may be carried into full effect, it shall be the duty of the foreman of each respective company of wardens, to report to the Attorney of the Corporation all violations of the same, whether on the part of the citizens or of the wardens, under a penalty of fifty dollars for each neglect, to be recovered as aforesaid.

Firemen to be divided into companies.

§ 31. The firemen shall be divided into companies, to consist of as many members as the Common Council shall from time to time direct, to attend to the fire engines, hydrants, hose wagons and hooks and ladders belonging, or that may hereafter belong to the Corporation of the city, or to such hydrants, fire engines, hose wagons and hooks and ladders as the Common Council shall direct; and each of the companies shall and may choose, out of their own number, a foreman, assistant and clerk, in such a manner, and at such times as they think proper; and it shall be the duty of the said firemen, as often as any fire

shall break out in the said city, to repair, immediately upon the alarm thereof, to their respective engines, hose wagons, hooks and ladders, and convey them to or near the place where such fire shall happen, unless otherwise directed by the Chief or other engineer; and there, in conformity with the directions given by the Chief Engineer, or other engineers, to work and manage the said engines, or apparatus and implements, with all their skill and power; and when the fire is extinguished, they shall not remove therefrom but by the direction of an engineer; and on such direction they shall return their respective hose wagons, hooks and ladders, engines and apparatus, well washed and cleansed, to their several places of deposit. If any fireman shall neglect to attend to any fire as aforesaid, or leave his fire engine or other apparatus while at any fire, without permission, or shall neglect to do his duty on such occasion, without reasonable excuse, he shall, for every default, forfeit and pay the sum of three dollars; and may, on request of the company to which he belongs, be removed from his station as fireman.

§ 32. It shall be the duty of each and every fire company, in going to, or returning from any fire, or alarm of fire, or removing their apparatus from their respective places of deposit, to obey the orders of the Chief or other engineer.

To obey
engineers
when with
engines.

§ 33. And in case any foreman or assistant foreman, or any other fireman having charge of any fire company, disobeying or refusing to obey any order or direction given by the Chief Engineer, he shall, for such offence, be expelled from the Fire Department.

Penalty for
disobedi-
ence.

§ 34. There shall be two persons appointed to each fire engine and hose company within the lamp and watch district of this city, whose duty it shall be to keep all the

Persons to
clean appa-
ratus.

apparatus of said companies in complete order, and ready for immediate use; and who shall, at every alarm of fire, repair, forthwith, to the house of the engine or hose company to which they shall be attached, and assist the members of the said company in conveying the engine, carriage or truck, to wherever such fire may happen, and there to assist the company in getting the engine to work, or the hose ready for immediate action, under the direction of the officers of the company to which they may belong, and shall, during the time such engine or hose carriage is employed at a fire, take charge of the hose, and prevent any person from treading on, or otherwise injuring the same.

Duties in
engine and
hose com-
panies.

§ 35. That when the engine or hose carriage shall, (on the putting out of any fire,) be discharged from duty, by an engineer, it shall be the duty of such persons, under the direction of the officers of their company, to assist the members of said company to take up the hose and other apparatus, and shall assist in conveying them, together with the engine or hose carriage, and other apparatus, to the house appropriated for it, and there shall wash and dry the hose, and clean, and put in complete order, all the apparatus, so as to be ready for immediate use; taking care, however, in no case to meddle with the works of an engine.

Duties in
hook and
ladder com-
panies.

§ 36. It shall be the duty of the persons so appointed, who shall be attached to a hook and ladder company, to preserve the truck and apparatus belonging to their company from injury during the fire; and they shall assist the members in raising or moving the ladders and hooks, under the direction of the officers of said company; and shall, after the truck is discharged from duty, assist the members in collecting the hooks, ladders and other apparatus, and aid in conveying them, together with the truck, to the house where they belong, and shall then clean and prepare them

for immediate use; the persons so appointed to perform the duties in the several engine and hose companies, as above-mentioned, shall not be entitled to the privileges and exemptions of firemen; but shall, for the faithful performance of said services, receive a salary of one hundred and twenty-five dollars per annum.

§ 37. It shall be the duty of each foreman of a fire engine or hose company to recommend to the Chief Engineer ^{How appointed.} suitable persons to take care, as above-mentioned, of the fire engine, hose carriage or truck of the company to which he may belong; which persons must have served as firemen at least five years; and the foreman shall recommend exempt firemen in preference to all others; and said persons shall, on such recommendation being made through the Chief Engineer, be appointed by the Mayor; but no acting fireman shall be appointed to discharge said duties.

§ 38. In case of any neglect of the person or persons ^{How removed.} employed to keep in order, the engine, hose carriage or truck to which he or they shall belong, the Chief Engineer shall, on the request of the foreman of the company to which such person or persons belong, forthwith remove him or them, and report to the Mayor his or their removal; who shall, on the recommendation of said foreman, made through the Chief Engineer, as aforesaid, substitute a person or persons in his or their place. In case any ^{Repairs of engines.} engine, hose carriage or truck be in need of repairs, the foreman thereof shall report the same to the Chief Engineer, forthwith.

§ 39. It shall be the duty of all members of the Fire Department, as well as those who are hired for the purposes above-mentioned, to prevent all persons not belonging ^{Members to prevent handling of apparatus.} to the department from entering any house, or handling any apparatus belonging to the department.

Not to go on side-walks without special order.

§ 40. No fire engine, nor hook and ladder, nor hose cart, in going to or returning from any fire, or at any other time, to be run, driven, wheeled, or placed upon any side-walk, except by the special order of one of the engineers, under the penalty of *twenty-five dollars* for each offence, to be forfeited and paid by every person aiding or assisting in, or consenting to the violation of any one of the provisions of this section, to be recovered by the Attorney of the Common Council, for the use of the Corporation.

Penalty.

Apparatus, &c., not to be removed unless foreman or assistant foreman or two firemen present.

§ 41. No such fire engine, hook and ladder, or hose cart, during any fire in this city, or any report of fire, or at any time, under any pretence whatever, shall be taken or removed out of its house, unless the foreman or assistant foreman, or at least two of the firemen of the company to which the same shall belong shall be present and consent thereto, under the penalty of *ten dollars* for every such offence, to be forfeited and paid by, and recovered from any and every person aiding and assisting in, or consenting to the violation of any of the provisions of this section.

Penalty.

Duty of Engineers, &c. to report violations.

§ 42. It shall be the duty of the several engineers, and of every foreman and assistant foreman of every fire company, to report all violations of this ordinance to the treasurer of the Fire Department.

Power of Committee on Fire and Water.

§ 43. The Committee on Fire and Water, under the advice of the Chief Engineer, shall be authorized and empowered to take any fire engine, hook and ladder, or hose truck from the company, and place the same in the public yard, or give the same to some other company.

May transfer men from one company to another.

§ 44. All firemen attached to any fire engine, hose or hook and ladder company, whose machine and implements shall have been ordered to the public yard, for want of a sufficient complement of men to manage the same, shall be

attached, by the Fire and Water Committee, to any other company they may designate; and in case of their refusal to designate such company to which they wish to be attached, they shall be liable to expulsion.

§ 45. No fire engine shall be let out for hire, or lent, in any case, without permission from the Alderman and Assistant of the ward wherein it is wanted to be used, and the Chief Engineer; in default thereof, the firemen so offending shall be removed from the Fire Department.

No engine to be hired or lent, in any case, unless permitted.

§ 46. Whenever any fireman is appointed to supply any vacancy in any company, it shall be his duty to call on the treasurer of the Fire Department and procure a certificate, within one month from the date of his appointment, specifying the name and number of the company to which such fireman shall be elected; and any fireman, after being re-elected, shall obtain a new certificate as aforesaid; and it shall be the duty of the Chief Engineer to certify, on every return, whether a vacancy exists in the company.

Certificate of appointment and re-election.

§ 47. If any fireman shall be expelled by a vote of the company to which he may belong, and the fact being reported to the Common Council by the Chief Engineer, accompanied by a remonstrance by the person so expelled, the subject shall be referred to the Committee on Fire and Water of the two Boards, as a Joint Committee, together with the Chief Engineer, who shall hear the parties, and report thereon, at the next joint meeting of the Common Council.

Firemen expelled to be referred to Committee, if they remonstrate.

§ 48. In order that the members of the Common Council, Engineers and Fire Wardens may be more readily distinguished at fires, the Mayor, Recorder, Aldermen and Assistants, shall severally bear, on those occasions, a wand with a

How Aldermen, Assistants, Engineers and Fire Wardens are to be distinguished.

gilded flame at the top; and each of the engineers shall wear a leathern cap, painted white, with a gilded front, thereto, and a fire engine blazoned thereon, and shall also carry a speaking trumpet, painted black, with the words "Chief Engineer," "Engineer No. 1," as the case may be, in white, which shall also be painted on their caps respectively; and each of the Fire Wardens shall wear a hat, with the brim black, the crown painted white, and the city arms blazoned on the front, and shall also carry a speaking trumpet, painted white, with the word "Warden," in black, painted thereon.

**Caps of the
firemen.**

§ 49. The foremen of engine companies, and the firemen shall, when on duty, wear leathern caps, in the form heretofore used; and the said caps shall be painted and distinguished in the manner following, viz: the cap of each foreman shall be painted black, with a white frontispiece, and the word "Foreman," with the initials of the name of the foreman, and the number of the engine to which he belongs painted thereon, in black; the cap of each fireman shall be painted black, with the initials of the name of the fireman and the number of the engine to which he belongs, painted in front thereof, in white. The foreman of each of the hook and ladder companies shall wear a cap, painted black, with a white frontispiece, and the word "Foreman," and the initials of his name, and the number of the company to which he belongs, and a hook and ladder painted thereon, in black; and each member of the hook and ladder companies shall wear a cap, painted black, with the initials of his name and the number of the company to which he belongs, with a hook and ladder painted in front thereof, in white; and each foreman of the fire hose companies shall wear a cap, painted black, with a white frontispiece, and the word "Foreman," and the initials of his name, and the number of the company to which he belongs, and a

coil of hose painted thereon, in black; and each member of the said fire hose companies shall wear a cap, painted black, with the initials of his name, and the number of the company to which he belongs, with a coil of hose painted thereon, in white; and the assistant to each respective company shall wear a cap, painted in the same manner as that of the foreman of the company, with the word "Assistant," in lieu of the word "Foreman." And it shall be the duty of the Chief Engineer to report to the Common Council the name of every person who shall neglect or refuse to comply with the foregoing requisitions, which said person shall thereupon be removed from his office.

§ 50. The names and places of abode of the members of the Common Council, Engineers, Fire Wardens and Foremen of the respective companies, and bell-ringers shall, annually, in the month of June, be printed, and set up in the several watch houses, by the City Inspector; and whenever any fire shall happen in the night, the watchman shall give notice to each of the members of the Common Council, Engineers, Fire Wardens, Foremen and bell-ringers within their respective watch districts; and it shall, moreover, be the duty of every watchman, upon the breaking out of any fire, to alarm the citizens by crying fire, and mentioning the street where it may be, so that the firemen and citizens may thereby be directed where to repair; and if any watchman shall neglect so to do, he shall forfeit and pay the sum of *one dollar*; and if it shall happen that a chimney only shall be on fire, either by day or by night, the fire bell at the City Hall, and the bells of the several churches in this city shall not be rung; but only on occasions where a building shall be proclaimed to be on fire; and it is enjoined on the occupants to place a lighted candle at the windows of their respective buildings, when fire may happen at night,

Aldermen
and Assist-
ants, Fire
Wardens,
Foremen
and Bell
ringers to
be notified
of fires by
the watch-
men.

in order that the citizens may pass along the streets with the greater safety.

Watchman
to be sta-
tioned in
cupola of
City Hall.

§ 51. A watchman shall, at all times, be stationed in the cupola at the City Hall, for the purpose of giving alarms of fire whenever cause thereof shall arise; the Chief Engineer, by and with the consent of the Mayor, shall appoint a competent number of persons to perform the duty of such watchmen, day and night; and they shall be severally removable by the Chief Engineer, and at all times during the night be subject to the rules and regulations of the Watch Department, and the authority of the officers of the watch; and, as such, members of the Watch Department.

Pay.

Pay.

§ 52. The Comptroller shall pay the day watchmen so stationed in the cupola of the City Hall, for their services, at the rate of one dollar per diem, on their bills being certified by the Chief Engineer, that the services have been faithfully performed.

Watchmen
to give no-
tice of lo-
cality, &c.,
of fire, by
ringing bell

§ 53. On the occurrence of any fire, the City Hall bell shall be rung by the watchman on duty in the cupola, and the ringing thereof shall be continued during the continuance of the fire, and he shall give notice of the locality of the fire by ringing said bell in a manner which shall be inscribed, by direction to be given by the Committees on Fire and Water and Chief Engineer, and by hanging out a light in the direction of the fire; and for neglect of any of the duties required by this law, he shall be removed from office by the Chief Engineer or Captain of the Watch.

Bells to
be rung.

§ 54. That upon the happening of any fire, the several watch houses and market bells shall be rung, and also all other alarm bells, and the same shall be done when any one alarm bell shall ring, and the ringing thereof shall be continued until the ringing of the City Hall bell shall be stopped.

§ 55. All watchmen, bell-ringers, and other persons or officers charged with the ringing of bells in cases of fire, shall, on neglect to comply with the requisitions of this law, be removed from office, by the person or authority having power to remove him, on such person or authority being credibly informed of such neglect, and he shall not be re-appointed to that or any other office under the Corporation, within one year after such removal.

Watchmen, &c., to be removed for neglect.

§ 56. The Chief Engineer is hereby required to report to the Common Council all cases of neglect on the part of the bell-ringers to churches to ring their bells on alarms of fire.

Chief Engineer to report cases of neglect.

§ 57. The Captains of the Watch, respectively, shall remove from office every watchman who shall fail or neglect to give the notice and alarm of fire, by crying fire, and mentioning the street where it may be, as required by the fifty-first section of this ordinance, and such removal shall be made by such captain, on his being credibly informed thereof, by any member or officer of the Fire Department.

Captains of Watch to remove watchmen for neglect.

§ 58. It shall be the duty of the marshals and constables to repair, immediately on the alarm of fire, with their staves of office, to the place where such fire may be; and report themselves to the high constable, or Alderman or Assistant Alderman of the ward in which such fire may happen; and to conform to such orders as may be given them by the Mayor, or any of the Aldermen or Assistants, for the preservation of the public peace, and the removal of all idle and suspected persons, or others not actually or usefully employed in aiding the extinguishment of such fire, or in the preservation of property in the vicinity thereof; and if any marshal or constable shall not attend at such fire, or shall neglect so to report himself,

Constables and Marshals to attend fires.

or to obey any order that shall be given him as aforesaid, he shall, unless he has a reasonable excuse, to be determined by the Mayor, forfeit and pay the sum of five dollars for each offence.

Penalty for
chimneys
being on
fire.

§ 59. If any chimney, stove pipe or flue within this city, shall take fire, the occupant of the house to which such chimney, stove pipe or flue appertains, shall forfeit and pay *five dollars*.

Carpenters,
&c., to se-
cure shav-
ings.

§ 60. All carpenters or others, making or using shavings, shall respectively, at the close of each day, cause the same to be securely stowed in some safe place, remote from danger by means of fire, under the penalty of *five dollars* for each omission so to do.

Of fires in
streets.

§ 61. No person shall kindle any fire, or furnish the materials for any fire, nor in any way authorize or allow any fire to be made in any street, road or lane, or on any pier or bulkhead in this city, except for the purpose of boiling tar, which fire shall not be more than six feet from the bulkhead or the end of the pier, under the penalty of *ten dollars* for every such offence.

Hay and
straw, how
to be placed.

§ 62. No person shall have, put, or keep any hay or straw, uncovered, in any stack or pile, or in any other way exposed, within one hundred yards of any building to the southward of Fourteenth street, or shall have, put or keep, to the southward of said line, any hay, straw, hemp, flax, shavings or rushes, in any building not built of stone or brick, and covered with tile or slate, or other fire proof materials, which is or shall be within ten feet of any dwelling house or chimney whatsoever, under the penalty of *twenty-five dollars* for every such offence, and the further penalty of *ten dollars* for every twenty-four hours the same shall so remain, after a printed or written notice has been given, to the owner or person having charge thereof, by any Fire Warden, to remove the same.

§ 63. No owner or occupant of any stable within this city, or any person in the employment of such owner or occupant, shall use therein any lighted candle or lamp, except the same shall be securely kept within a lantern, under the penalty of *ten dollars* for every such offence.

Candles,
how to be
used in sta-
bles.

§ 64. All the fines, penalties and forfeitures imposed by this law, on the members of the Fire Department, for not attending to fires, shall, when received, be paid to the treasurers of the respective companies aforesaid, in which the delinquencies may happen, for the use and benefit of said companies; and all the other fines, penalties and forfeitures imposed by this law, shall, when recovered, be paid to the treasurer of the " Fire Department of the city of New York," for the use and benefit of the said Fire Department. The Chief Engineer shall, annually, on the second Monday of December, in each year, report to the Common Council the amount of the sums which may be received by the Fire Department of the city of New York, and the application thereof.

Penalties,
how appro-
priated.

§ 65. It shall be lawful for the Fire Department of the city of New York, and for the respective companies before-mentioned, or persons duly authorized by them, to receive, sue for, and recover, in the name of the Mayor, Aldermen and Commonalty of the city of New York, all the fines, penalties and forfeitures hereby imposed, and appropriated for their respective uses as aforesaid, except the penalty mentioned in the fortieth section of this law.

Penalties
how recov-
ered.

§ 66. No person shall be elected a fireman until he shall have attained the age of twenty-one years; and it shall be the duty of the foremen of the respective fire companies, when they report to the Chief Engineer the names of the persons elected firemen, to certify that the persons so elected are at least twenty-one years of age.

Firemen
not to be
elected un-
der a cer-
tain age.

Certificates § 67. It shall be the duty of the Clerk of the Common Council to furnish the certificates, required to be furnished to the firemen, without fee or reward.

Duty of Mayor. § 68. It shall be the special duty of the Mayor, to see that this ordinance is carried into full effect.

Power of Common Council to repeal and amend. § 69. Nothing contained in this ordinance shall deprive the Common Council of the power to repeal or alter the same at any time they may think proper.

Laws heretofore passed to be repealed. § 70. All laws, or parts of laws, relating to the New York Fire Department, heretofore passed by the Common Council, are hereby declared to be repealed.

AN ORDINANCE to amend an ordinance entitled "A law for the appointment of a Superintendent of Buildings, and prescribing his duties."

PASSED May 14th, 1889.

No fire apparatus to be constructed in public yard. § 2. No fire engine, hose cart, hook or ladder, hose, or other machine or apparatus for the use of the Fire Department, shall hereafter be constructed in the public yard.

No repairs to be done, exceeding twenty dollars, in the public yard. § 3. No repairs shall hereafter be done to any fire engine or other machine, for the use of the Fire Department, the cost of which shall exceed the sum of twenty dollars; nor shall any repairs be done to said machine in the public yard, other than such slight repairs as can be performed by the ordinary workmen employed in the yard. No painting, graining, varnishing or gilding shall hereafter be done in the said yard, except by contract.

AN ORDINANCE *to amend and alter the laws and ordinances now in force relative to fires and the Fire Department in the city of New York.*

PASSED July 16, 1839.

The Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened, do ordain as follows:

§ 1. The Chief Engineer and the Assistant Engineers shall hereafter be nominated by the members of the Fire Department, as hereinafter provided, from the whole body of firemen, to the Common Council, for appointment; and, when appointed, shall hold their respective offices until others are nominated and appointed in their places, unless the Common Council shall otherwise direct.

Engineers,
how nomi-
nated and
appointed.

§ 2. The nomination of the Chief Engineer and Assistant Engineers shall, annually, be made by the firemen, by ballot, between the first and Second Tuesday of June, inclusive, in each year; and the persons receiving the greatest number of votes for the respective offices, shall be thereupon entitled to a nomination to the Common Council for appointment to such offices.

Ibid.

§ 3. Whenever a vacancy shall occur in either of the offices of Chief Engineer or Assistant Engineers, the engineers, and the foremen and the assistant foremen of the fire companies, collectively, shall have power, and it shall be their duty, to call a special election, and designate the time for holding the same, to the end that a nomination, pursuant to the provisions of this ordinance, may speedily be made to the Common Council, to supply such vacancy until the next annual election.

Special
elections.

§ 4. It shall be the duty of the Chief Engineer or Senior Engineer to certify, under his hand, to the Common Council, the name or names of the persons who shall, from time

Nomina-
tions, how
certified.

to time, be nominated, pursuant to the provisions of this ordinance, for the respective offices for which they may be nominated, to the end, that if approved by the Common Council, they may be appointed.

Rules for
elections.

§ 5. The engineers and the foremen and assistant foremen of the fire companies shall have power, and it shall be their duty to establish and provide regulations for holding and conducting the elections authorized to be held by this ordinance, and rules for testing the qualifications of electors thereat.

Who enti-
tled to vote.

§ 6. Every fireman whose appointment as a member of the Fire Department shall have been confirmed by the Common Council three months next preceding the nomination at which he may offer to vote, pursuant to this ordinance, and shall then be, and for the last three months shall have been an acting and actual member of the Fire Department, shall be entitled to one vote upon such nomination.

Duty of
Superinten-
dent of
Buildings.

§ 7. The duties formerly required of the Chief Engineer by section tenth of the ordinance relating to fires, &c., passed May 7th, 1838, shall hereafter be performed by the Superintendent of Buildings and Repairs, under the direction of the Committee on Fire and Water, and not by such Chief Engineer.

Salary and
oath of
Chief Engi-
neer.

§ 8. The Chief Engineer shall receive for his services a yearly salary of five hundred dollars, payable quarterly, and shall, before entering upon the duties of his office, take and subscribe an oath or affirmation, well and faithfully to perform such duties.

Laws re-
pealed.

§ 9. The second, fifth, seventh, eighth, ninth, tenth and eleventh sections of the ordinance entitled "An ordinance to amend and modify the laws and ordinances now in force re-

lating to fires and the Fire Department of the city of New York, and reduce the same into one act," and approved by the Mayor, May 7, 1838, and subsequently amended in several of its provisions, together with all subsequent amendments, alterations and re-enactments of said above named sections, are hereby repealed.

§ 10. All laws or parts of laws, so far as they conflict with any of the provisions of this ordinance, are hereby also repealed. ^{Ibid}

§ 11. This ordinance shall take effect immediately after its passage, and the first nomination, under this ordinance, of Chief Engineer and Assistant Engineers, shall be made by the firemen, as herein provided, between the third and fourth Tuesdays of July, instant, inclusive. ^{First election, when held.}

§ 12. Nothing contained in this ordinance shall deprive the Common Council of the power to repeal or alter the same at any time they think proper.

AN ORDINANCE to amend an ordinance entitled "*An ordinance to amend and alter the laws and ordinances now in force relative to fires and the Fire Department,*" passed July 16th, 1839.

(PASSED July 23d, 1839.)

The Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened, do ordain as follows:

§ 1. That section eleven of said ordinance be, and the same is hereby amended by striking out the words, "third and fourth Tuesdays of July, instant," and inserting, in place thereof, the words, "first and second Tuesdays of August next." ^{Time of elections.}

AN ORDINANCE to amend an ordinance entitled "*An ordinance relative to Commissioners of Fires.*"

The Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened, do ordain as follows:

Section 6,
ordinance
July, 1889,
amended.

§ 1. That section sixth of said ordinance be, and the same is hereby amended, by striking out the word "first day of June," on the eighth line of said section, and inserting, in the place thereof, the words "thirty-first day of July."

Passed by the Board of Assistants, July 29, 1889.

Passed by the Board of Aldermen, July 29, 1889.

Approved by the Mayor, July 30, 1889.

Pay of En-
gineer.

Resolved, That the Comptroller be authorized to pay all bills audited by the Joint Committee on Fire and Water, for services of Engineer at the reservoir, and for keeping the hydrants in perfect and complete order, until a Water Purveyor shall be appointed.

Adopted by the Board of Assistants, November 25, 1889.

Adopted by the Board of Aldermen, November 25, 1889.

Approved by the Mayor, November 30, 1889.

Watchmen
to cry fire.

Whereas, The firemen of this city frequently experience much difficulty in finding fires that are confined to the interior of buildings; and whereas, the fiftieth section of the ordinance relative to the Fire Department requires that every watchman shall, upon the breaking out of any fire, alarm the citizens by crying fire, and stating the street where it may be, and that it shall be announced from

watch to watch, throughout the city, under the penalty of one dollar for each and every neglect therefor.

Resolved, That a notice be sent to every Captain of the Watch, requiring them to have the above named section of the ordinance properly enforced.

Resolved, That the firemen and citizens generally be, and are hereby requested to give notice to his Honor the Mayor of all violations of the above ordinance that may be noticed by them.

Adopted by the Board of Assistants, November 25, 1839.

Adopted by the Board of Aldermen, November 25, 1839.

Approved by the Mayor, November 30. 1839.

1840,

AN ORDINANCE *to amend "An ordinance relative to fires and the Fire Department in the city of New York."*

The Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened, do ordain as follows:

That section thirty-three, chap. 15, of Corporation ordinance relating to fires and the Fire Department, be amended by adding the words "suspended or," after the word "be," in the fifth and last line of the section above named, so that the section, as amended, will read as follows, viz:

Obedience
to Chief.

§ 33. And in case any foreman or assistant foreman, or any other fireman, having charge of any fire company, disobeying or refusing to obey any order or direction given by the Chief or other engineer, he shall, for such offence, be suspended or expelled from the Fire Department.

Passed by the Board of Assistants, January 6, 1840.

Passed by the Board of Aldermen, March 2, 1840.

Approved by the Mayor, March 5, 1840.

Centre
market bell

Resolved, That a cupola and alarm bell, of such description as the Joint Committee on Fire and Water shall direct, be placed upon Centre market.

Resolved, That the expense thereof be paid out of the general appropriation for the Fire Department, and that the Superintendent of Buildings and Repairs, under the direction of the said Committee, contract for the same.

Resolved, That the city be divided into five separate and distinct fire districts, agreeable to the report of the Fire and Water Committee. City divided into five fire districts

(See Doc. No. 12, Board of Aldermen, 1839, with maps of, and force in each of the five districts, in detail.)

Adopted by the Board of Aldermen, December 2, 1839.

Adopted by the Board of Assistants, March 4, 1840.

Approved by the Mayor, March 11, 1840.

Whereas, The legislature of this state have now under consideration an act for the alteration or material amendment of the laws regulating the Fire Department of the city of New York; and whereas, the Common Council. at the request of a committee appointed at a numerous meeting of the citizens of New York. have, through a Committee of their body. reported in favor of sundry alterations in the Fire Department, which they have now under consideration. and which alterations are in accordance with the views of the Committee appointed by the meeting of the citizens above-mentioned; and whereas, the people of the city of New York are compelled to endure the burdens imposed by the great cost at which that department is supported, and ought, therefore. to have the supervision of it. through their immediate representatives in the Common Council; and whereas. any interference on the part of the legislature. with the local affairs of our city, contrary to the wishes of the people, through their representatives, is considered an infringement of the chartered rights guaranteed to the city of New York. by the constitution of the state; therefore, be it

Resolved, That the Counsel of the Board be directed to prepare a remonstrance, to be duly authenticated by the

Mayor, in behalf, of the citizens of New York, against the passage of any law in relation to the Fire Department, which will in any way interfere with regulation or supervision properly vested in the Common Council.

Adopted by the Board of Aldermen, March 16, 1840.

Adopted by the Board of Assistants, March 16, 1840.

Approved by the Mayor, March 17, 1840.

Rights of
members.

Resolved, That section six of the amended Fire Laws, now in force, shall not be so construed by the inspectors of elections for the election of Chief and Assistant Engineers, as to exclude any member of the Fire Department, whose engine, hose cart or truck may be undergoing repairs, or in the course of construction.

Adopted by the Board of Aldermen, June 1, 1840.

Adopted by the Board of Assistants, June 8, 1840.

Approved by the Mayor, June 6, 1840.

Watchmen,
where sta-
tioned.

Resolved, That the fifty-first and fifty-second sections of the ordinance relating to the Fire Department be, and the same are hereby repealed, and that the following sections be substituted.

§ 51. A watchman shall, at all times, be stationed at the cupola of the City Hall, Reservoir, Centre, Essex and Jefferson markets, for the purpose of giving the alarm whenever a fire occurs.

The Fire and Water Committee, by and with the consent of the Mayor, shall appoint a competent number of persons to perform such duty by day and night, who shall be severally removable by said Committee.

§ 52. The Comptroller shall pay the watchmen stationed in the cupola, referred to in the preceding section, for their services, at the rate of two dollars per day, on their bills being certified by the Chairman of the Fire and Water Committee that the services have been faithfully performed.

Watchmen
how paid.

Resolved, That sections fifty-three and fifty-four be, and the same are hereby amended by striking out, in the first line of the fifty-third, and the fifth line of the fifty-fourth sections, the words "City Hall bell," and inserting "district bell."

Adopted by the Board of Assistants, August 3, 1840.

Adopted by the Board of Aldermen, August 7, 1840.

Approved by the Mayor, August 8, 1840.

Of the Water Purveyor.

§ 1. The Water Purveyor shall be attached to the Croton Aqueduct Department, and shall be subject to the directions, regulations and requirements of the Croton Aqueduct Committee and the Croton Aqueduct Commissioners.

Water Pur-
veyor, un-
der whose
direction.

§ 2. The seventeenth, eighteenth, nineteenth and twentieth sections, in relation to the duties of the Water Purveyor, and of the Committee on Fire and Water, and all such ordinances and parts of ordinances, as are inconsistent with any of the provisions of this ordinance, are hereby repealed.

Ordinance
in relation
to duties of
Water Pur-
veyor and
Committee,
repealed.

Passed by the Board of Aldermen, July 27, 1840.

Passed by the Board of Assistants, August 3, 1840.

Approved by the Mayor, August 5, 1840.

No bills ex-
ceeding
twenty-five
dollars for
election ex-
penses, to
be paid.

Resolved, That the Comptroller be, and is hereby directed to pay no bills of expenses of any future election for engineers of the Fire Department, including advertising, inspectors' expenses, room hire, stationery, &c., which shall exceed twenty-five dollars.

Adopted by the Board of Assistants, October 12, 1840.

Adopted by the Board of Aldermen, November 16, 1840.

Approved by the Acting Mayor, November 19, 1840.

1841.

AN ORDINANCE *to amend an ordinance in relation to fires and the Fire Department, passed April 23, 1839.*

The Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened, do ordain as follows:

§ 1. That sections thirty-four, thirty-five, thirty-six, thirty-seven and thirty-eight, of chap. 15 of the ordinance relative to the Fire Department, be and the same are hereby repealed, and that the same take effect from and after the first day of August, 1841.

Passed by the Board of Assistants, August 2, 1841.

Passed by the Board of Aldermen, August 4, 1841.

Approved by the Mayor, August 6, 1841.

Resolved, That the third section of the ordinance prescribing the duties of the Superintendent of Buildings be amended by striking out "twenty," in the third line, and inserting "seventy-five," and after the word dollars," in the third line, insert "and then only by the direction of the Joint Committee on Fire and Water;" strike out the word "painting," in the seventh line. The section, as amended, would read thus:

"No repairs shall, hereafter, be done to any fire engine, or other machine, for the use of the Fire Department, the cost of which shall exceed the sum of seventy-five dollars, and then only by the direction of the Joint Committee on Fire and Water; nor shall any repairs be done to the fire apparatus in the public yard, other than such slight repairs

Repairs to
apparatus
in Corpora-
tion yard.

as can be performed by the ordinary workmen employed in the yard, and no graining, varnishing or gilding shall hereafter, be done in said yard, except by contract.

Adopted by the Board of Aldermen, June 14, 1841.

Adopted by the Board of Assistants, August 2, 1841.

Approved by the Mayor, August 6, 1841.

Volunteer
associations
disbanded.

Resolved, That the practice of permitting volunteer associations to assume the garb of firemen, and to mingle in the duties thereof, is not only in direct and open violation of the ordinances of the Common Council, but calculated, in its results, to demoralize the character of our youth, and bring reproach upon the department, by the riotous and disorderly conduct in which they are so often engaged, and that the officers and members of each company be desired, forthwith, to disband all associations of volunteers. and upon no occasion to suffer or permit them to have access to the public property; and all magistrates, watchmen and police officers are hereby requested to prevent the congregating of all boys around, or in the vicinity of engine, hose, and hook and ladder houses, to the end that members of the Fire Department may be recognized as such, and be held responsible for all deviations from the path of duty, and the requirements of the ordinances of the Common Council.

Adopted by the Board of Aldermen, November 1, 1841.

Adopted by the Board of Assistants, November 8, 1841.

Approved by the Mayor. November 10, 1841.

1842.

Resolution to increase pay of Chief Engineer.

Resolved, That the salary of the Chief Engineer of the Fire Department be increased to one thousand dollars, to take effect from the first of January, 1841. Salary.

Adopted by the Board of Aldermen, March 14, 1842.

Adopted by the Board of Assistants, March 31, 1842.

Approved by the Mayor, April 9, 1842.

Fire Districts.

The first fire district shall embrace all that part of the city lying north of a line from the foot of North Moore street to the Halls of Justice, and west of a line running from the Halls of Justice, through Lafayette and Irving places. Fire districts.

The second fire district shall embrace all that part of the city lying east of the first district, and north of a line running from the Halls of Justice to the foot of Roosevelt street.

The third fire district shall embrace all that part of the city lying south of the first and second districts.

Resolved, That a cupola and alarm bell, of such description as the Joint Committee on Fire and Water shall direct, be placed upon the Halls of Justice, and that a sum, not exceeding four thousand dollars, be appropriated therefor. Bell on Halls of Justice.

•

Resolved, That the expense thereof be paid by a special appropriation, and that the Superintendent of Buildings and Repairs, under the direction of the said Committee, contract for the same.

No engine
to leave its
district.

Resolved, That no fire company shall remove their apparatus out of the district in which the same is located, below Fourteenth street, in case of fire, or an alarm of fire, under the penalty of being subject to expulsion or suspension from the Fire Department, unless they shall be permitted so to do by the Chief or one of the Assistant Engineers, who are hereby authorized to give the necessary signal, which is hereby declared to be the constant ringing of the alarm bell in the district in which the fire is, when the whole department shall proceed to the scene of conflagration.

Adopted by the Board of Assistants, March 31, 1842.

Adopted by the Board of Aldermen, April 18, 1842.

Approved by the Mayor, April 28, 1842.

AN ORDINANCE *to amend an ordinance entitled "Amendments to the Revised Ordinances," approved by the Mayor, August 8, 1840.*

The Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened, do ordain as follows:

Watchmen
to be sta-
tioned at
alarm bells.

§ 51. A watchman shall, at all times, be stationed at the cupolas of the Halls of Justice, City Hall, Reservoir, Centre, Essex and Jefferson markets, for the purpose of giving alarm whenever a fire occurs. The Fire and Water Committee, by and with the consent of the Mayor, shall appoint a competent number of persons to perform such duty, by day and night, who shall be severally removable by said Committee.

§ 52. The Comptroller shall pay the watchmen stationed ^{Pay.} in the cupolas referred to in the preceding section, for their services, at the rate of one dollar and seventy-five cents per day, on their bills being certified by the Chairman of the Fire and Water Committee, that the services have been faithfully performed.

Passed by the Board of Aldermen, April 25, 1842.

Passed by the Board of Assistants, April 28, 1842.

Approved by the Mayor, May 2, 1842.

AN ORDINANCE to amend and alter chapter 15 of the Revised Ordinances, entitled "Of fires and the Fire Department," passed April 23, 1839, and also an ordinance entitled "An ordinance to amend and alter the laws and ordinances now in force, relative to fires and the Fire Department in the city of New York."

The Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened, do ordain as follows:

§ 1. The Fire Department of the said city shall consist of a Chief Engineer, nine Assistant Engineers, and as many Fire Wardens, fire enginemen, hosemen, hook and laddermen, and hydrantmen, who shall be citizens of the United States, of the age of twenty-one years or upward, as are or may be, from time to time, appointed by the Common Council, and who shall, respectively, be distinguished by the appellations aforesaid. Fire Department, of whom to consist.

§ 2. The nomination of the Chief Engineer and Assistant Engineers shall be made by the firemen, by ballot, at such time as the Common Council may hereafter appoint, and the persons receiving the greatest number of votes for the respective offices, shall be thereupon entitled to a Nomination of Engineer and Assistant Engineers.

nomination to the Common Council for appointment to such offices; such appointment to continue during the pleasure of the Common Council, or until a new election, which shall be asked for by a majority of the firemen, shall have been held. and the nomination made by them duly confirmed.

Vacancies.

§ 3. Whenever a vacancy shall occur in either of the offices of Chief Engineer or Assistant Engineer, the engineers and the foremen of the fire companies, collectively, shall have power, and it shall be their duty, to call a special election, and designate the time for holding the same, to the end that a nomination, pursuant to the provisions of this ordinance, may be made to the Common Council to supply such vacancy.

**Duty of
Chief En-
gineer.**

§ 4. The Chief Engineer shall, in all cases of fire, have the sole and absolute control and command over all the engineers and other persons connected with the Fire Department. It shall be the duty of the Chief Engineer to direct the other engineers to take proper measures to arrange the several fire engines in the most advantageous manner, and to cause them to be duly worked for the effectual extinguishment of fires. It shall also be the duty of the said Chief Engineer to examine, twice in every year, into the condition and number of the fire engines, and other fire apparatus, and fire engine houses, and to report the same, once a year, to the Common Council, together with the names of all the members of the Fire Department, and the respective associations to which they belong; also, under the direction of the Committee of Fire and Water and the Clerk of the Common Council, erase from books of registry of firemen, all names which are not in the annual returns from the several companies. It shall also be the duty of the Chief Engineer to report, in writing, all

accidents by fire that may take place in this city, with the causes thereof, as well as can be ascertained, and the number of and description of the buildings destroyed or injured, together with the names of the owners or occupants, to the Common Council. And it shall also be his duty, whenever any of the fire engines, hose carts, trucks and hooks and ladders, or other fire apparatus shall require to be repaired, to report the same, forthwith, to the Joint Committee on Fire and Water, and under their direction, to superintend the repairs thereof, and report all violations or disobedience of orders to said Committee, and at all times to be under the direction of said Committee.

§ 5. The Superintendent of Buildings, under the direction of the Committee on Fire and Water, is authorized to sell, for cash, old and condemned fire engines and hose deposited at the public yard, and shall pay the money received from such engines or hose, when sold, to the city treasurer, and deposit the receipt for such money with the Comptroller.

Sale of condemned fire engines and hose, &c.

§ 6. The Committee on Fire and Water shall be authorized and empowered to take any fire engine, hook and ladder truck or hose cart from the company, and place the same in the public yard or give the same to some other company.

Committee on Fire and Water.

§ 7. The Chief Engineer shall receive for his services a yearly salary of one thousand dollars, payable quarterly; and shall, before entering upon the duties of his office, take and subscribe an oath or affirmation, well and faithfully to perform such duties.

Salary of Chief Engineer.

§ 8. No fire engine, nor hook and ladder truck, nor hose cart shall, in going to, or returning from any fire, or any other time, be run, driven, wheeled or placed upon

Rules against running engines, &c., on the sidewalks.

Penalty. any side-walk, except by the special order of one of the engineers, under the penalty of twenty-five dollars for each offence, to be forfeited and paid by every person aiding or assisting in, or consenting to the violation of any of the provisions of this section, to be recovered by the Attorney of the Common Council, for the use of the Corporation; and also, under the further penalty of the expulsion of the foreman, assistant foreman, and all members of the company.

Of volunteers. § 9. No boys or other persons, known as volunteers, shall be permitted to assume the garb of firemen, have access to any of the places of deposit of the fire engines, hose, hooks and ladders, or other apparatus of the Fire Department, or run as members with any such engine, hose cart or hook and ladder truck, or form any associations similar, in any way, to those now known as "Volunteer Associations," and any fire company in the city of New York which shall consent to any violation of the provisions of this section shall be forthwith disbanded.

Breach of peace and violation of good order. § 10. That in case of any breach of the peace, or other violation of good order, on the part of any of the firemen, while on duty, it shall be the duty of the officer in command for the time being, forthwith to report the name of the person or persons so offending to the Committee on Fire and Water; and in case of his neglect so to do, he shall be held responsible for the same.

Duty of foreman and assistant, relative to section 10. § 11. It shall be the special duty of the foreman and assistant foreman of each engine, hose, hook and ladder and hydrant company to see that the provisions of the last preceding section of this ordinance are fully and strictly enforced, so far as regards the company to which such foreman or assistant foreman may be attached; and if either or both of them aid or consent to the violation of the pro-

visions of such sections, they, or either of them, so offending, shall be immediately expelled from the department.

§ 12. Engine companies Nos. 22, 38, 42, shall, hereafter, consist of sixty men each; and all other engine companies, of thirty men each; hook and ladder companies, of thirty men each; hose companies with four wheeled hose carriages, of twenty-five men each; hose companies, with two wheeled hose carriages, eighteen men each; and hydrant companies, of fifteen men each; and the Chief Engineer is hereby directed not to allow the above-named companies to exceed the number of men specified.

Regulating
the number
of men in
different
companies.

§ 13. The first nomination under this ordinance shall take place between the first and second Tuesdays in June, inclusive, 1842.

Time of
nomination

§ 14. Engine company No. 9 shall hereafter be known as hose company No. 35; engine company No. 47 as hose company No. 34; engine company No. 17 as hose company No. 37; Third Ward hose company as hose company No. 27; Fifth District hose company as hose company No. 28; hose company No. 44 as hose company No. 29; hose company No. 43, as hose company No. 31; hose company No. 42 as hose company No. 32; making the numbers and the locations of the fire apparatus of the city as follows: and the Clerk of the Common Council is hereby authorized to make the necessary alterations, in accordance with this ordinance.

Change of
names of
engine com-
panies to
hose com-
panies.

ENGINE COMPANIES.

- No. 1, Clinton square, foot of Duane street.
- " 2, Eldridge, near Division street.
- " 3, Orange, near Prince street.
- " 4, North Dutch Church, near Ann street.
- " 5, " " "

Their num-
bers and lo-
cations.

- No. 6, Reade street, near West Broadway.
“ 7, Rose, near Frankfort street.
“ 8, Ludlow, near Broome street.
“ 9, Disbanded.
“ 10, Third street, near the Bowery.
“ 11, Wooster, near Prince street.
“ 12, William, near Duane street.
“ 13, Duane, near William street.
“ 14, Corner of Vesey and Church streets.
“ 15, Chrystie, near Walker street.
“ 16, Disbanded.
“ 17, Disbanded.
“ 18, Amity street, near Sixth avenue.
“ 19, Elizabeth street, near Grand street.
“ 20, Cedar street, near Greenwich street.
“ 21, Lumber street, near Cedar street.
“ 22, Chambers street, near Centre.
“ 23, Anthony street, near Broadway.
“ 24, Seventeenth street, near Ninth avenue.
“ 25, Twenty-third street, near Fifth avenue.
“ 26, Madison, near Rutgers street.
“ 27, Watts, near Greenwich street.
“ 28, Disbanded.
“ 29, Horatio street, near Ninth avenue.
“ 30, Disbanded.
“ 31, West Broadway, near Beach street.
“ 32, Hester street, near Allen street.
“ 33, Gouverneur street, near Henry street.
“ 34, Christopher street, near Hudson street.
“ 35, Harlem.
“ 36, Varick street, near Vandam street.
“ 37, Delancey street, near Allen street.
“ 38, Nassau street, near Ann street.
“ 39, Doyers street, near Chatham square.

- No. 40, Mulberry street, near Broome street.
 " 41, Corner of Delancey and Attorney streets.
 " 42, Beaver street, near William street.
 " 43, Manhattanville.
 " 44, Houston street, near Lewis street.
 " 45, Yorkville, Third avenue.
 " 46, Twenty-fifth street, near Bull's Head.
 " 47, Disbanded.
 " 48, Thirteenth street, near Sixth avenue.
 " 49, Harlem.
 " 50, Bloomingdale road, Harsenville.

HOSE COMPANIES.

- No. 1, 4 wheeled, Duane, near William street.
 " 2, 2 " William, near Duane.
 " 3, 2 " Centre, near Hester.
 " 4, 2 " Attorney, near Delancey.
 " 5, 4 " Mercer street, near Prince street.
 " 6, 4 " Gouverneur, near Henry.
 " 7, 2 " Chrystie, near Stanton.
 " 8, 4 " Cedar, near Nassau.
 " 9, 4 " Mulberry, near Broome.
 " 10, 2 " Roosevelt, near Cherry.
 " 11 2 " Jefferson Market, Sixth avenue.
 " 12, 4 " Seventeenth street, near Ninth avenue.
 " 13, 2 " Eldridge, near Division street.
 " 14, 2 " Elizabeth, near Bayard.
 " 15, 2 " Essex market, Grand street.
 " 16, 2 " Beaver street, near Broad street.
 " 17, 4 " Fifth, near Second avenue.
 " 18, 2 " Franklin market, Old slip.
 " 19, 2 " Cortlandt alley, near Canal street.
 " 20, 2 " John street, near Dutch street.
 " 21, 2 " Henry, near Catharine.

- No. 22, 2 wheeled Hester, near Allen.
 " 23, 2 " Charles, near Hudson.
 " 24, 2 " Renwick, near Spring.
 " 25, 2 " Leonard, near Broadway.
 " 26, 2 " Monroe, near Jefferson.
 " 27, 2 " Corner of Vesey and Church streets.
 " 28, 2 " Chambers street, near Centre street.
 " 29, 2 " Willet, near Rivington street.
 " 30, 2 " Bowery, near Thirteenth street.
 " 31, 2 " Willet street, near Rivington.
 " 32, 2 " Third street, near Bowery.
 " 33, 2 " Sullivan street, near Prince street.
 " 34, 2 " Tenth street, near Avenue D.
 " 35, 2 " Mercer, near Bleecker street.
 " 36, 2 " Henry, near Catharine street.
 " 37, 2 " Monroe market.
 " 38, 2 " Amity street, near Sixth avenue.

HYDRANT COMPANIES.

- No. 1, John A. Blackledge, foreman.
 " 2, Allen R. Jollie. "
 " 3, Daniel Coger. "

HOOK AND LADDER COMPANIES.

- No. 1, Beaver street, near Broad street.
 " 2, Chambers street, near Centre street.
 " 4, Eldridge street, near Walker street.
 " 5, Corner of Delancey and Attorney streets.
 " 6, Mercer street, near Prince street.
 " 7, Harlem.
 " 8, Disbanded.
 " 9, Disbanded.
 " 10, Third avenue. Yorkville.

FIRE WARDENS.

Six in each of the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth and Seventeenth Wards.

§ 15. All ordinances or parts of ordinances, inconsistent with the provisions of this ordinance, are hereby repealed.

Adopted by the Board of Aldermen, April 25th, 1842.

Adopted by the Board of Assistants, May 2, 1842.

And received from his Honor the Mayor, June 22, 1842, without his approval or objections. The same, by virtue of the amended charter, became a law.

AN ORDINANCE *relative to the election to be held in the city of New York on the first Monday of June, 1842.*

Resolved, That the fifty-first section of the ordinance relating to the Fire Department, be and the same is hereby amended, by striking out the words "by and with the consent of the Mayor.

Adopted by the Board of Aldermen, July 6th, 1842.

Adopted by the Board of Assistants, July 8, 1842.

Approved by the Mayor, July 13, 1842.

AN ORDINANCE *to regulate the water works of the city of New York.*

PASSED September 7, 1842.

TITLE IV.

§ 1. A Chief Engineer, a Superintendent of the Aqueduct works, a Water Purveyor, and a Register of Rents, ^{Water Purveyor.}

shall be appointed by the Common Council, to hold their respective offices during the pleasure of the Common Council, unless sooner removed for cause, by the Croton Aqueduct Board, with the concurrence of the Joint Croton Aqueduct Committee.

§ 2. The Chief Engineer, Superintendent, Water Purveyor and Register of Rents shall be under the immediate direction of the Croton Aqueduct Board, and perform such other duties, not therein provided, as may be assigned to them by the said Croton Aqueduct Board.

§ 3. The Chief Engineer shall have, under the direction of the Croton Aqueduct Board, the general executive care and superintendence of the Croton Aqueduct works.

Duties of.

§ 4. It shall be the duty of the Superintendent and Water Purveyor to lay down all the distributing pipes, hydrants and stop-cocks, under the direction of the Chief Engineer and Croton Aqueduct Board; to examine into and to report to the Croton Aqueduct Board, all applications for water, and generally to do all such duty as may be assigned to them; and it shall be the duty of the Water Purveyor to attend all fires that may happen in the city; to provide against all unnecessary waste of water, and see that all hydrants are closed at the termination of each conflagration.

Amend-
ment.

Resolved, That the words "below Fourteenth street," in the last section of the law dividing the city into three fire districts, be stricken out.

Adopted by the Board of Aldermen, October 24, 1842.

Adopted by the Board of Assistants, October 24, 1842.

Approved by the Mayor. October 25, 1842.

1843.

AN ORDINANCE *to amend an ordinance to regulate the water works of the city of New York, passed September 7, 1842.*

§ 1. No person or persons, except the Mayor, Aldermen or Assistants of the respective wards shall, without previous permission, in writing, from the Croton Aqueduct Board, unscrew or open any hydrant belonging or attached to the Croton Aqueduct Works, erected for the extinguishment of fires, except in cases of fires in the neighborhood, nor shall leave said fire hydrant open for a longer time than shall be limited in said permission, nor shall use the water for other purposes than may be mentioned in said permission, under the penalty of twenty-five dollars for each offence. Fire hydrants not to be opened.

§ 2. (Relates to selling water for shipping.)

§ 3. Any penalty herein prescribed shall be imposed on the offenders in like manner as is provided in the first section of the seventh title of the ordinance hereby amended, in respect to the penalty therein prescribed, and in default of the payment, the offender shall be subject to the like punishment, by imprisonment, as is in the said section prescribed. Penalty.

§ 4. It shall be the duty of the street inspectors, constables, marshals, police officers and watchmen, to enforce the observance of this ordinance to the utmost of their abilities, and to make complaint of any violation thereof, to the proper authorities. Street Inspectors to report violations of this ordinance.

Passed the Board of Aldermen, March 27, 1843.

Passed the Board of Assistants, March 27, 1843.

Received from his Honor the Mayor, April 13, 1843, without his approval or objections thereto, therefore, under the provisions of the amended charter, the same became a law.

1844.

Salary of Chief. *Resolved*, That the salary of the Chief Engineer of the Fire Department be increased to one thousand five hundred dollars per annum, to take effect from the 1st November, 1844.

Approved by the Mayor. December 26, 1844.

Water Purveyor to perform duties of Superintendent of Pipes *Resolved*, That the Water Purveyor shall perform all the duties heretofore appertaining to the duties of the Superintendent of pipes, without any additional salary.

Passed the Board of Aldermen, January 22, 1844.

Passed the Board of Assistants, January 29, 1844.

Received from his Honor the Mayor, February 23, 1844, without his approval or objections thereto, therefore, under the provisions of the amended charter, the same became adopted.

1845.

Change of name of "Committee on Fire and Water" to that of "Committee on Fire Department."

Resolved, That the name and style of the "Committee on Fire and Water," be changed to the "Committee on the Fire Department." Name of Committee.

Adopted by the Board of Aldermen, January 28, 1845.

Adopted by the Board of Assistants, February 3, 1845.

Approved by the Mayor, February 10, 1845.

Resolved, That the Clerk of the Common Council be directed to publish, in all the Corporation papers, for one week, section eight of the ordinance relative to fires, &c., passed in 1842, together with a notice to firemen. that the ordinance will be strictly enforced.

Resolved, That the policemen and watchmen be directed to report to the Chief Engineer, all fire companies found violating the ordinance relative to running fire apparatus on the side-walk, together, when practicable, with the name of the officer or member in command. Engines running on sidewalks.

Adopted by the Board of Aldermen, April 23, 1845.

Adopted by the Board of Assistants, May 6, 1845.

Approved by the Mayor, May 8, 1845.

Resolution in relation to a suspended member taking command of a company.

Resolved, That the Chief Engineer be directed to notify

**Suspended
members
not to take
command.** the foremen of such companies as are wholly or in part
disbanded, that in the event of any suspended member or
officer of such company attempting to take command, he
will be forthwith expelled from the department.

Approved July 25, 1845.

1846.

Resolved, That the various engine, hose, and hook and ladder companies attached to the Fire Department, be granted the use of the Croton water, on paying the expenses of its introduction.

Adopted by the Board of Aldermen, May 25, 1846.

Adopted by the Board of Assistants, June 8, 1846.

Approved by the Mayor, June 10, 1846.

Resolved, That the fifth section of the ordinance passed June 22, 1842, to amend and alter the ordinances relative to fires and the Fire Department, be amended by striking out "Superintendent of Buildings," in the first line of the said section, and inserting "Chief Engineer."

Adopted by the Board of Aldermen, June 8, 1846.

Adopted by the Board of Assistants, June 15, 1846.

Approved by the Mayor, June 18, 1846.

Resolution as to number of men for second class engines.

Resolved, That all second class, or eight and one half inch cylinder engines, be allowed fifty members.

Adopted by the Board of Aldermen, June 8, 1846.

Adopted by the Board of Assistants, June 15, 1846.

Approved by the Mayor, June 18, 1846.

1847.

AN ORDINANCE *in relation to repairs in the Fire Department.*

The Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened, do ordain as follows:

Repairs to apparatus. § 1. All repairs to the fire engines and fire apparatus, and engine, hose and hook and ladder houses, shall be done under the direction of the Chief Engineer of the Fire Department, by and with the advice and consent of the Committee on Fire Department, to the extent and in the manner prescribed by the ordinances in relation to such repairs.

Bills for repairs. § 2. It shall be the duty of the said Chief Engineer to submit all bills, for repairs done and materials purchased under his supervision, to the Committee on Fire Department, by whom they shall be approved before being presented to the Comptroller for payment.

§ 3. All ordinances and parts of ordinances, inconsistent with this ordinance, are hereby repealed.

Adopted by the Board of Aldermen, August 2, 1847.

Adopted by the Board of Assistants, August 2, 1847.

Approved by the Mayor, August 5, 1847.

Fire telegraph. *Resolved,* That permission be granted to Hugh Downing and Royal E. House, to construct a line of telegraph, by setting posts in the ground, and extending from Fort Washington, where they cross the Hudson river, to the Bloomingdale road, thence along said road to the Sixth avenue; thence along said avenue to the fire station at Jef-

ferson market; and thence along said avenue to Amity street; thence to Sullivan street; thence through Sullivan and Broome streets to the fire stations at Centre and Essex markets; thence from Centre market, through Centre street to the City Hall; and thence through Frankfort and William streets to the Merchants' Exchange; provided, however, that said Downing and House shall put up the necessary wire and apparatus, and keep the same in order, and give the free and perpetual use of the invention, for communicating alarms of fire from the City Hall to the different fire stations, and instruct the different bell ringers in the use of said invention, and commence and continue the communication themselves, until the said bell ringers are so instructed. And further provided, that they receive for such wire, apparatus, and the use of the invention, the sum of five hundred dollars; said amount to be in full for all the services herein before mentioned. Said amount not to be paid until the said telegraph is in full and complete operation. And further provided, that they, the said grantees, shall put up such quality of posts as shall be approved by the Street Commissioner; said posts to be removed at any time when so ordered by the Common Council.

Proviso.

Free use to the city.

Further proviso.

Five hundred dollars allowed for materials, &c.

Further proviso.

Adopted by the Board of Assistants, November 22, 1847.
 Adopted by the Board of Aldermen, November 22, 1847.
 Received from his Honor the Mayor, December 2, 1847,
 without his approval or objections thereto; therefore,
 under the provisions of the amended charter, the same
 became adopted.

Resolution to amend an ordinance to regulate the water works of the city of New York, passed April 13, 1843.

Resolved, That the ordinance to amend an ordinance to regulate the water works of the city of New York, passed April 13, 1843, be so amended that the first section shall read as follows:

Hydrants
not to be
opened. § 1. No person or persons, except the Mayor, Aldermen and Assistants of the respective wards, shall, without previous permission, in writing, from the Croton Aqueduct Board, unscrew or open any hydrant belonging or attached to the Croton Aqueduct Works, except for the extinguishment of fires, (except in cases of fires in the neighborhood,) nor shall leave said fire hydrant open for a longer time than shall be limited in said permission, nor shall use the water for other purposes than may be mentioned in said permission, under the penalty of not less than five dollars or more than twenty-five dollars for each offence, in the discretion of the magistrate before whom the complaint shall be made.

Adopted by the Board of Assistants, November 15, 1847.

Adopted by the Board of Aldermen, December 6, 1847.

Approved by the Mayor, December 9, 1847.

1848.

Resolved, That the salary of the Chief Engineer of the Fire Department be, and the same is hereby increased to two thousand dollars per annum. Salary of Chief.

Approved by the Mayor, July 8, 1848.

Resignation of C. V. Anderson, Chief Engineer of the Fire Department, was accepted, to take effect from the time a successor is appointed. Resignation of C. V. Anderson, as Chief.

Approved by the Mayor, November 22, 1848.

Resolved, That Alfred Carson be, and he is hereby appointed Chief Engineer of the Fire Department, in place of Cornelius V. Anderson, resigned. Appointment of A. Carson.

Approved by the Mayor, December 7, 1848.

Resolved, That Clark Vanderbilt be appointed an Assistant Engineer of the Fire Department, in place of Alfred Carson, appointed Chief Engineer. Appointment of Assistant Engineer.

Approved by the Mayor, December 23, 1848.

1849.

AN ORDINANCE *organizing the Departments of the
Common Council.*

PASSED May 30th, 1849.

BUREAU OF PIPES AND SEWERS.

Water Pur- § 375. This bureau, of which the Water Purveyor shall
voyor. be the chief officer, is charged with the superintendence of the laying and repairing of the water pipes, and the construction, repairing and cleaning of the sewers and underground drains.

Bond. § 376. The Water Purveyor shall, before entering upon the duties of his office, execute a bond to the Corporation, with one or more sureties, to be approved by the Comptroller, in the penal sum of two thousand dollars, conditioned for the faithful performance of the duties of his office.

Water § 377. He shall make all estimates necessary to the lay-
pipes. ing and repairing of the water pipes, and the construction, repairing and cleaning of the sewers and underground drains, when required by the Croton Aqueduct Board.

Ibid. § 378. He shall keep correct accounts of the time of the men employed, and the work upon which they are engaged, and the expense attending the same, when it is not done by contract, and shall report the same, under oath, once in each week, to the Croton Aqueduct Board.

Ibid. § 379. He shall examine, audit and certify, to the Croton Aqueduct Board, all accounts for supplies furnished, or work done under his supervision, and as to the fulfillment

or breach of any contract to be performed under his direction.

§ 380. He shall, from time to time, examine the state of the water pipes, sewers and underground drains, and report all repairs thereof, which, in his judgment, may be necessary, to the Croton Aqueduct Board. To examine pipes.

§ 381. He shall, in all matters connected with his bureau, be under the control, direction and supervision of the Croton Aqueduct Board, and in addition to the duties prescribed by this chapter, shall perform such other duties appertaining to the Croton Aqueduct Department, as may be required of him by that Board. Under control of Croton Department.

Chap. 4, Art. 3, Title 5, Part 2, of the ordinance approved by the Mayor, May 30, 1849.

THE BUREAU OF SUPPLIES FOR THE FIRE DEPARTMENT.

§ 279. This bureau, of which the Chief Engineer of the Fire Department shall be the chief officer,* is charged with the duty of constructing and repairing fire engines, hose carts, hooks and ladders, hose, and other machines and apparatus for the use of the Fire Department. Bureau to have charge of constructing apparatus.

§ 280. The Chief Engineer of the Fire Department shall take charge of, oversee, and superintend the constructing and repairing of the fire engines, hose carts, hooks and ladders, hose, and other machines and apparatus for the use of the Fire Department. Chief to have charge of construction of apparatus.

§ 281. He shall make all estimates necessary to, or connected with, the performance of the duties of this bureau, Estimates.

* Charter of April 2, 1849, sec. 13.

when required by the Commissioner of Repairs and Supplies.

Inspection
of appa-
ratus.

§ 282. He shall continually inspect the fire engines, hose carts, hooks and ladders, hose, and other machines and apparatus for the use of the Fire Department, and, with the consent of the Commissioner of Repairs and Supplies, shall repair the same, forthwith, when any repairs shall be necessary, except that where the expense of such repair shall not exceed, in any one case, fifteen dollars, he may cause them to be made without the consent of that officer but no repairs shall be made to a fire engine or other machine for the use of the Fire Department, the expense of which shall exceed seventy-five dollars.

Chief to
keep an ac-
count of ex-
pense, and
report.

§ 283. He shall keep a correct account of the time of the men employed in his bureau, and of the work upon which they are engaged, and the expense attending the same, when it is not done by contract, and shall report the same, under oath, once in each week, to the Commissioner of Repairs and Supplies.

Certify a-
mount of
work.

§ 284. He shall examine, audit and certify, to the Commissioner of Repairs and Supplies, all accounts for work done under his supervision, and as to the fulfillment or breach of any contract for work required to be done under his direction; and no requisition shall be drawn by the Commissioner of Repairs and Supplies for any bills, accounts or contracts for constructing or repairing fire engines, hose carts, hooks and ladders, hose, or other machines or other apparatus, for the use of the Fire Department, unless certified by the Chief Engineer of the Fire Department.

Chief sub-
ject to Com-
missioner of
Repairs
and Sup-
plies.

§ 285. He shall, in all matters connected with this bureau, be under the control, direction and supervision of the Commissioner of Repairs and Supplies, who may ap-

prove or disapprove all accounts certified by him, and by whom alone all requisitions upon the Comptroller for the payment thereof shall be drawn.

Title 11, Part 2, of the ordinance approved May 30, 1849.

OF THE FIRE DEPARTMENT.

§ 459. The Fire Department shall continue to be organized as it now exists, and to exercise the powers, perform the duties, and enjoy the privileges conferred and imposed upon it by the charter of the city, and the various acts amending the same, by the laws of this state, and by the ordinances and resolutions of the Common Council.

Organiza-
tion.

§ 460. The Chief Engineer may take any fire engine, hook and ladder, or hose truck, from any company to which it is assigned, and place the same in the public yard, or assign it to another company; and shall, forthwith, report the same to the Common Council.

Powers of
Chief.

§ 461. All firemen attached to a company, whose engine, hook and ladder, or hose truck, shall have been ordered to the public yard, by reason of an insufficient complement of men to manage the same, shall be attached, by the Chief Engineer, to another company, to be designated by such firemen; or if they refuse to designate another company, the Chief Engineer shall report such refusal to the Common Council, for their action.

Insufficien-
cy of men
in a com-
pany.

§ 462. If a fire company shall vote for the expulsion of a fireman belonging thereto, the same shall be forthwith reported by the Chief Engineer to the Common Council, for their action.

Vote of ex-
pulsion re-
ported.

§ 463. All complaints by the Chief Engineer or Assistant Engineers, against firemen, for misconduct, in the per-

Misconduct

formance of their duties, shall be, forthwith, reported to the Common Council, for their action.

Reference
to Commit-
tee.

§ 464. When a report shall be made to the Common Council, as provided in the last two sections, it shall not be finally acted upon by them, until it shall have been referred to a Committee, to ascertain and report the facts, with a full opportunity to the party complained of, to be heard in his defence.

Resolution as to salary of Water Purveyor, passed July 21st, 1849.

Water Pur-
veyor, sala-
ry.

Resolved, That the salary of the Water Register, in the Croton Aqueduct Department, be and the same is hereby fixed at one thousand five hundred dollars per annum; that the salary of the Deputy Water Register, in the Croton Aqueduct Department be, and the same is hereby fixed at one thousand dollars per annum; that the salary of the Water Purveyor, in the Bureau of Pipes and Sewers be, and the same is hereby fixed at one thousand five hundred dollars per annum.

Resolution as to the compensation of Assistant Engineers of the Fire Department, &c., &c.

Compensa-
tion of As-
sistant En-
gineers.

Resolved, That the compensation of the Assistant Engineers of the Fire Department, for the performance of the duties of Fires Wardens, under and by virtue of the act entitled "An act for the more effectual prevention of fires in the city of New York, and to amend the acts heretofore passed for that purpose," passed March 7, 1849, be fixed at and after the rate of five hundred dollars per annum,

each, to take effect from the time of entering of the said Assistant Engineers upon said duties, in accordance with said act.

Adopted by the Board of Aldermen, October 1, 1849.

Adopted by the Board of Assistants, October 8, 1849.

Approved by the Mayor, October 23, 1849.

1850.

New fire
districts.

Resolved, That a new fire district be erected, and that all that portion of the city of New York lying and being north of a line drawn through the centre of Twenty-second street, from the East to the North rivers, form such district.

Additional
Assistant
Engineer.

Resolved, That an additional Assistant Engineer of the Fire Department be elected by said department, and that the Clerk of the Common Council be, and he is hereby directed to notify the engineers and foremen of the Fire Department thereof.

New plan
of number-
ing districts
and ringing
alarm bells.

Resolved, That it be referred to the Engineers of the Fire Department to report a new plan for renumbering the several fire districts of this city, and the plan for ringing the several fire alarm bells for fires in said districts.

Adopted by the Board of Aldermen, January 4, 1850.

Adopted by the Board of Assistants, January 4, 1850.

Approved by the Mayor, January 5, 1850.

Act as to
Fire War-
dens.]

Resolved, That the draft of an act to create "Fire Wardens," submitted by a Committee of the Representatives of the Fire Department be, and is hereby approved, and the Counsel be directed to forward the same to the legislature, requesting its adoption.

Adopted by the Board of Aldermen, March 11, 1850.

Adopted by the Board of Assistants, March 18, 1850.

Approved by the Mayor, March 20, 1850.

AN ORDINANCE in relation to the election of Assistant Engineers of the Fire Department of the city of New York.

The Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened, do ordain as follows:

§ 1. The nomination of the Assistant Engineers of the Fire Department shall be made by the firemen, by ballot, every three years, and the persons receiving the greatest number of votes shall be respectively, thereupon, entitled to a nomination to the Common Council, for appointment to such office. Election of Assistant Engineers.

§ 2. The Common Council may, at their pleasure, or when a new election shall be asked for by a majority of the firemen, order a new election for one or more of such Assistant Engineers, and the person or persons nominated at such new election shall, when duly confirmed, serve only for and during the remainder of the term or terms of the person or persons in whose place or places he or they may respectively be elected. New election how ordered.

§ 3. All ordinances or parts of ordinances, conflicting herewith, are hereby repealed.

§ 4. The question of electing the Assistant Engineers for three years shall be submitted, for the approval of the firemen of the city of New York, at the election about to be held for such Assistant Engineers. The tickets which shall be polled at the said election shall contain either the words "In favor of three years," or "Against three years," and if a majority of the said firemen shall vote the ticket "In favor of three years," this ordinance shall become a law; if a majority of such firemen shall vote "Against three years," this ordinance shall be void. Question of election submitted to approval of firemen.

Adopted by the Board of Aldermen, March 4, 1850.

Adopted by the Board of Assistants, March 18, 1850.

Approved by the Mayor, March 22, 1850.

Resolved, That the following ordinance be, and the same is hereby adopted;

The Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened, do ordain as follows:

Foreman
and secre-
tary of the
several
companies
do make an-
nual returns
to the Chief.

§ 1. It shall be the duty of the foreman and secretary of the several fire companies of said city, to make an annual return of the members of their respective companies to the Chief Engineer of the Fire Department, as heretofore; such returns shall, however, be made under the oath of the foreman and secretary, that the persons therein named as members of their respective companies are actual and active members thereof. And it shall be the duty of the Clerk of the Common Council, on the said return being presented by the said Chief Engineer to the Common Council, to correct the Register of the Firemen, in his office, in accordance with said returns.

§ 2. All ordinances, or parts of ordinances, inconsistent herewith, are hereby repealed.

Adopted by the Board of Aldermen, April 15, 1850.

Adopted by the Board of Assistants, April 17, 1850.

Approved by the Mayor, April 19, 1850.

Resolution to elect an additional Assistant Engineer of the Fire Department, who shall reside in the Twelfth Ward.

Assistant
Engineer
for 12th
Ward.

Resolved, That an additional Assistant Engineer of the Fire Department be elected, hereafter, by said department, who shall, at the time of his election, reside in the Twelfth Ward of the city of New York; said Assistant Engineer to serve for the same term as the Assistant Engineers of the said department heretofore elected, and in case of his

removal from said ward, his office to become thereby vacant, and the same to be filled by a new election.

Resolved, That the Clerk of the Common Council be, and he is hereby directed to notify the engineers and foremen of the Fire Department of the passage of the foregoing resolution.

Adopted by the Board of Aldermen, June 7, 1850.

Adopted by the Board of Assistants, June 8, 1850.

Approved by the Mayor, June 18, 1850.

AN ORDINANCE *dividing the city of New York into Fire Districts.*

The Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened, do ordain as follows:

§ 1. The city of New York shall be divided into eight Eight Districts. fire districts.

§ 2. The first fire district shall comprise all that part of Boundary of First District. said city lying north of Twenty-second street, and east of the Sixth avenue.

§ 3. The second fire district shall comprise all that part Second District. of the city lying north of Twenty-second street, and west of the Sixth avenue.

§ 4. The third fire district shall comprise all that part Third District. of the city bounded and contained as follows: Beginning at the foot of North Moore street, on the North river, and extending easterly, in a straight line, to the corner of Leonard and Church streets; thence northerly in a straight line to the corner of Eighth avenue and Twenty-second street; thence, westerly along Twenty-second street to the North, river; thence southerly, along the North river, to the place of beginning.

Fourth
District.

§ 5. The fourth fire district shall comprise all that part of the city bounded and containing as follows: Beginning at the corner of Leonard and Church streets; running thence, northerly, in a straight line to the corner of Eighth avenue and Twenty-second street; thence, easterly, along Twenty-second street to Lexington avenue; thence, southerly, in a straight line to the corner of Elm and Leonard streets; and thence, westerly, in a straight line to the corner of Church and Leonard streets.

Fifth Dis-
trict.

§ 6. The fifth fire district shall comprise all that part of the city bounded and containing as follows: Commencing at the corner of Elm and Leonard streets, and running thence, northerly, in a straight line to the corner of Lexington avenue and Twenty-second street; thence, easterly, along Twenty-second street to the East river; thence, southerly, and along the East river to Fourteenth street; thence, south-westerly, in a straight line to the corner of Leonard and Orange streets; thence, westerly, in a straight line to the place of beginning.

Sixth Dis-
trict.

§ 7. The sixth fire district shall comprise all that part of the city bounded and containing as follows: Beginning at the corner of Leonard and Orange streets, and running thence, easterly, in a straight line to the foot of Market street, on the East river; thence along the East river to Fourteenth street; thence, south-westerly, in a straight line to the place of beginning.

Seventh
District.

§ 8. The seventh fire district shall comprise all that part of the city bounded and containing as follows: Beginning at the foot of Market street, on the East river, and running thence, westerly, in a straight line to the corner of Leonard and Elm streets; thence southerly, along a straight line, intersecting Wall street at the junc-

tion of Nassau, Wall and Broad streets, and continued through the Battery to the North river.

§ 9. The eighth fire district shall comprise all that part of the city bounded and containing as follows: Beginning at the foot of North Moore street, on the North river, and running thence, easterly, in a straight line to the corner of Leonard and Elm streets; thence, southerly, along a straight line intersecting Wall street, at the junction of Nassau, Wall and Broad streets; and continued through the Battery to the North river. .

Eighth
District.

§ 10. In case of fire in the first fire district, the signal shall be one stroke from the alarm bells.

Signals on
alarm bells.

In the second district, two strokes.

"	third	"	three	"
"	fourth	"	four	"
"	fifth	"	five	"
"	sixth	"	six	"
"	seventh	"	seven	"
"	eighth	"	eight	"

§ 11. All the engine, hose, and hook and ladder companies located in the first and second districts shall be required to do duty in both the said districts.

Apparatus
where to
perform
duty.

All the engine, hose and hook and ladder companies located in the third and fourth districts shall be required to do duty in both said districts.

All the engine, hose and hook and ladder companies located in the fifth and sixth districts shall be required to do duty in both said districts.

All the engine, hose and hook and ladder companies located in the seventh and eighth districts shall be required to do duty in both said districts.

§ 12. This ordinance shall take effect on the 1st of January, 1851.

Adopted by the Board of Aldermen, November 9, 1850.

Adopted by the Board of Assistants, November 11, 1850.

Approved by the Mayor, November 25, 1850.

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1851.

Fire Alarm Telegraph.

On the 25th of January, 1851, a resolution was approved by his Honor the Mayor, directing the Commissioner of Repairs and Supplies to contract with Richard H. Bull for the immediate completion of the telegraph wire and apparatus to all the fire alarm stations in this city; and the sum of six hundred dollars was appropriated to pay for the same. Fire alarm
telegraph.

1852.

AN ORDINANCE *prescribing the duties of policemen in case of fires.*

The Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened, do ordain as follows:

Policemen
to notify
firemen of
fires.

§ 1. It shall be the duty of the policemen on duty, whenever an alarm of fire shall be raised during the night, to give notice thereof to the several firemen residing within their respective beats, at their places of residence, who, in accordance with the fire regulations, ought to turn out on occasion of such alarm.

Firemen
to deliver
their names
and resi-
dences to
Captains of
Police.

§ 2. Each fireman shall deliver to the captain of police for the district in which he shall reside, a statement of his name and place of residence, and the captains of police shall furnish the several policemen under their charge, with the names and residences of firemen residing within the respective beats of such policemen; and it shall be the duty of the policemen to notify all such persons in accordance with the provisions of section one of this ordinance.

§ 3. This ordinance shall take effect immediately.

Adopted by the Board of Aldermen, February 6, 1852.

Adopted by the Board of Assistants, February 9, 1852.

Received from his Honor the Mayor, February 18, 1852, without his approval or objections thereto; therefore, under the provisions of the amended charter, the same became adopted.

1853.

Resolved, That all third class engines be, and they are hereby allowed, in future, ten additional men, so as to make their full complement forty men. Third class engines to be allowed forty men.

Adopted by the Board of Aldermen, February 16, 1853.

Adopted by the Board of Assistants, March 7, 1853.

Approved by the Mayor, March 8, 1853.

Resolved, That the Chief Engineer of the Fire Department be, and he is hereby directed to notify the foremen of each and every engine, hose and hook and ladder company, that after the passage of this resolution, the running of any engine, hose carriage, or hook and ladder truck on the side-walk, unless ordered by the Chief Engineer, or an assistant engineer, shall be deemed a sufficient cause to disband such engine, hose or hook and ladder company. Apparatus not to be run on side-walks.

Adopted by the Board of Assistants, May 13, 1853.

Adopted by the Board of Aldermen, May 16, 1853.

Approved by the Mayor, May 17, 1853.

Resolution as to the salary of fire wardens.

Whereas, an act passed the Legislature, July the 18th, 1853, authorizing the Common Council to establish the amount to be paid to the fire wardens, at a sum not to exceed five hundred dollars per annum to each fire warden, in lieu of two hundred and fifty dollars, which they now receive; therefore, be it

Compensation to Fire Wardens.

Resolved, That the annual compensation to be paid to the fire wardens shall be the sum of five hundred dollars per annum each, to take effect from the date of the passage of said act by the Legislature.

Adopted by the Board of Aldermen, September 7, 1853.

Adopted by the Board of Assistants, September 9, 1853.

Approved by the Mayor, October 3, 1853.

AN ORDINANCE *for the appointment of Bell-ringers at the several District Fire Alarm Bells.*

Be it ordained by the Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened:

Bell-ringers.

§ 1. The Mayor of the city of New York shall appoint three persons to act as bell-ringers, at each of the different alarm districts in the city of New York. Such persons shall be selected from among the exempt firemen of the city.

Remuneration.

§ 2. The bell-ringers, so appointed, shall receive as remuneration for their services, the sum of five hundred dollars each, per annum, and shall be subject to removal by the Mayor, for misdemeanor or negligence of duty.

Repealing clause.

§ 3. All ordinances, parts of ordinances, or resolutions conflicting or inconsistent with this ordinance, shall be, and the same are hereby repealed.

§ 4. This ordinance shall take effect immediately.

Adopted by the Board of Assistants, May 18, 1853.

Adopted by the Board of Aldermen, October 12, 1853.

Approved by the Mayor, October 15, 1853.

AN ORDINANCE *to amend an ordinance relative to the appointment of Chief Engineer of the Fire Department.*

Be it ordained by the Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened:

§ 1. The Chief Engineer of the Fire Department shall be elected every three years by the members of the Fire Department, by ballot, and the person receiving the greatest number of votes for the office, shall thereupon be entitled to a nomination to the Common Council for appointment. ^{Election of Chief.}

§ 2. The election for the selection of Chief Engineer of the Fire Department, under this ordinance, shall take place on the first Tuesday after the first Monday in February, 1854, and thereafter every succeeding three years. ^{When to take place.}

§ 3. All ordinances or parts of ordinances, inconsistent with this ordinance, are hereby rescinded and repealed.

Adopted by the Board of Aldermen, December 5, 1853.

Adopted by the Board of Assistants, December 6, 1853.

Approved by the Mayor, December 9, 1853.

AN ORDINANCE *to amend an ordinance entitled "An ordinance for the appointment of Bell-ringers at the several District Fire Alarm Bells."*

(PASSED October 15th, 1853.)

Be it ordained by the Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened:

§ 1. Section two of said ordinance is hereby amended by striking out "five hundred dollars." and inserting in lieu thereof, six hundred dollars. ^{Bell-ringers' salary.}

§ 2. The Comptroller is hereby authorized and directed to pay the salaries to the bell-ringers, appointed in accordance with the directions of section one of this ordinance, out of the appropriation for the Fire Department.

Adopted by the Board of Aldermen, December 29, 1853.

Adopted by the Board of Assistants, December 30, 1853.

Approved by the Mayor, December 31, 1853.

Resolution as to fire and police telegraph.

Telegraph. *Resolved*, That the Commissioner of Repairs and Supplies be authorized to employ a competent person to take charge of the fire and police telegraph, of this city, at a salary not to exceed one thousand dollars, which amount is hereby appropriated therefor.

Adopted by the Board of Aldermen, December 29, 1853.

Adopted by the Board of Assistants, December 30, 1853.

Received from his Honor the Mayor, December 31, 1853, without his approval or objection thereto; therefore, under the provisions of the amended charter, the same became adopted.

1854.

Resolution as to qualifications necessary to become a fireman.

Whereas, It is alleged that persons, not citizens of the United States, and others not twenty-one years of age, have been elected, and are now members of the New York Fire Department, thus violating the law of the state of New York, relative to the Fire Department of this city, passed April 9, 1813; also, section first, of the ordinance of the Common Council, for the regulation of the Fire Department, passed June 22, 1842; therefore, be it

Resolved, That the Chief Engineer of the Fire Department be, and he is hereby ordered not to receive any annual returns from companies but such as conform to section first of the ordinance, passed June 22, 1842, relative to the Fire Department, as follows: "The Fire Department of the city of New York, shall consist of a chief engineer, assistant engineers, fire engine men, hose men, hook and ladder and hydrant men, who shall be citizens of the United States, of the age of twenty-one years, and upward;" and that in future he receive no return of members to fill the vacancies in companies, unless the foreman and secretary make affidavit that such persons are citizens of the United States, and twenty-one years of age or upward.

Firemen to
be twenty-
one years of
age.

Citizens of
U. States.

Passed July 13, 1854.

Resolutions as to qualifications necessary to become firemen.

Fireman's
certificate.

Resolved, That all persons who may in future be selected to fill vacancies in fire companies, shall present to the office of the Chief Engineer, a certificate of such election, signed by the foreman and secretary of the company, in which he has been selected; and that said candidate, before the Chief Engineer presents his name to the Common Council, shall make affidavit that he is a citizen of the United States, is twenty-one years of age; that it is his intention to perform active duty as a fireman in the company in which his name is enrolled, and that he will promote subordination in the department.

Twenty one
years of
age.

Repeal.

Resolved, That so much of the resolution, adopted by the Common Council and approved by the Mayor, July 13, 1854, requiring the foremen and secretaries of companies to make affidavit as to the citizenship and age of candidates be, and the same is hereby repealed.

Adopted by the Board of Aldermen, September 28, 1854.

Adopted by the Board of Councilmen, October 9, 1854.

Approved by the Mayor, October 11, 1854.

Resolution as to number of men allowed fire companies.

Resolved, That the complement of men allowed the different engine, hose and hook and ladder companies shall be as follows, viz:

Number of
men allowed
companies.

First class engines.....	60 men.
Second " "	50 "
Third " "	40 "
Hose companies	25 "
Hook and ladder companies.....	40 "

Hydrant companies to remain as they now are, and the Chief Engineer is hereby directed not to receive any more returns of members elected in the various fire companies, until the membership of each conforms to the before mentioned standard.

Adopted by the Board of Councilmen, Sept. 20, 1854.

Adopted by the Board of Aldermen, November 9, 1854.

Approved by the Mayor, November 10, 1854.



REVISION OF THE ORDINANCES
APPERTAINING TO THE
FIRE DEPARTMENT
OF THE
CITY OF NEW YORK.
TO THE
YEAR 1855.

1

1

THE FOLLOWING IS A CONTINUATION OF THE REVISION OF
THE ORDINANCES AS TO FIRES AND THE FIRE DEPART-
MENT, TO BE FOUND IN CHAPTER XV. OF THE
REVISED ORDINANCES
OF 1845.

CONTINUED TO JANUARY 1, 1855.

AN ORDINANCE of Fires and the Fire Department.

PASSED April 23, 1839.

The Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened, do ordain as follows:

§ 1. Abrogated by section first of the ordinance of June 22, 1842, (9 Pro. C. C., p. 189,) which has since been amended by the ordinances passed January 5th, 1850, and June 18th, 1850, and also by the act of the legislature passed March 29, 1850, section 1. The section, as it now stands, reads thus:

Fire De-
partment of
whom to
consist.

The Fire Department of the said city shall consist of a Chief Engineer, eleven Assistant Engineers, twelve Fire Wardens, and as many fire engine men, hosemen, hook and ladder men and hydrantmen, who shall be citizens of the United States, of the age of twenty-one years or upward, as are, or may, from time to time, be appointed by the Common Council, and who shall respectively be distinguished by the several appellations aforesaid.*

Election of
Chief and
Assistant
Engineers.

* For the section of ordinance of April 23, 1839, thus abrogated, vide p. 257.

§ 2. Abrogated by section second of ordinance of June 22, 1842, (9 Pro. C. C., p. 189,) a portion of which was repealed by ordinances subsequently approved, viz: those of March 22, 1850 and December 9, 1853.*

The following is the form in which the ordinances relative to election of Chief and Assistant Engineers remain at present:

Ibid. The nomination of the Chief Engineer and Assistant Engineers shall be made by the firemen, by ballot, at such time as the Common Council may hereafter appoint; and the persons receiving the greatest number of votes for the respective offices, shall be thereupon entitled to a nomination to the Common Council for appointment to such offices. (Ordinance of June 22, 1842.)

The nomination of the Assistant Engineers of the Fire Department shall be made by the firemen, by ballot, every three years; and the persons receiving the greatest number of votes shall be respectively, thereupon, entitled to a nomination to the Common Council for appointment to such office.

Ibid. The Common Council may, at their pleasure, or when a new election shall be asked for by a majority of the firemen, order a new election for one or more of such Assistant Engineers; and the person or persons nominated at such new election, shall, when duly confirmed, serve only for and during the remainder of the term or terms of the person or persons in whose place or places he or they may respectively be elected. (Ordinance of March 22, 1850.)

The Chief Engineer of the Fire Department shall be elected every three years, by the members of the Fire Department, by ballot; and the person receiving the greatest

* For the original section second of ordinance of April 23, 1839, vide p. 268.

number of votes for the office, shall thereupon be entitled to a nomination to the Common Council for appointment.

The election for the selection of Chief Engineer of the Fire Department, under this ordinance, shall take place on the first Tuesday after the first Monday in February, 1854, and thereafter, every succeeding three years. (Ordinance of December 9, 1853.)

§ 3. This section was abrogated* by the seventh section of the act entitled "An act to create the Croton Aqueduct Department in the city of New York," passed April 11, 1849. (Chap. 383.) The section stands thus: Water Purveyor, appointment of.

The Croton Aqueduct Board shall nominate, and by and with the consent of the Board of Aldermen, appoint a Water Purveyor, to be charged with the superintendence of the laying and repairing of the water pipes, and the construction, repairing and cleansing of the sewers and underground drains. * * *

§ 4. Abrogated by section four of the ordinance of June 22, 1842, (9 Pro. C. C., p. 190,) a portion of which has since been repealed by the ordinance of May 30, 1849, sections 279 to 285, inclusive, and amended by ordinance of April 19, 1850.† Powers and duties of Chief Engineer.

The ordinances at present in force in relation to duties and powers of Chief Engineer are as follows:

The Chief Engineer shall, in all cases of fire, have the sole and absolute control and command over all the engineers and other persons connected with the Fire Department. It shall be the duty of the Chief Engineer to direct the other engineers to take proper measures to arrange

* For the third section of the ordinance of April 23, 1849, thus abrogated, vide p. 256.

† For section four, as it originally stood, vide ordinance of April 23, 1839, ante p. 256.

To exam-
ine appara-
tus, and re-
port.

the several fire engines in the most advantageous manner, and to cause them be duly worked for the effectual extinguishment of fires. It shall also be the duty of the said Chief Engineer to examine, twice in every year, into the condition and number of the fire engines, and other fire apparatus, and fire engine houses, and to report the same, once a year, to the Common Council, together with the names of all the members of the Fire Department, and the respective associations to which they belong.

Firemen's
Register.

(§ 4. Ordinance of June 22, 1842.) And it shall be the duty of the Clerk of the Common Council, on the said returns being presented by the said Chief Engineer, to the Common Council, to correct the Register of the Firemen, in his office, in accordance with said returns. (Section one, ordinance of April 19th, 1850.)*

Repairs to
apparatus.

This Bureau, (the Bureau of Supplies to the Fire Department, Department of Repairs and Supplies,) of which the Chief Engineer of the Fire Department shall be the chief officer, is charged with the duty of constructing and repairing fire engines, hose carts, hooks and ladders, hose and other machines and apparatus for the use of the Fire Department.

The Chief Engineer of the Fire Department shall take charge of, oversee and superintend the constructing and repairing of fire engines, hose carts, hooks and ladders, hose and other machines and apparatus for the use of the Fire Department.

He shall make all estimates necessary, or connected with the performance of the duties of this bureau, when required by the Commissioner of Repairs and Supplies.

* In relation to investigation of causes of fire, as referred to in section four of ordinance of June 22, 1842, the legislature, on the 16th of April, 1852, passed an act for speedy investigation into the origin of fires in the city of New York, and conferring the same upon the Chief of Police. Vide ante p. 111.

He shall continually inspect the fire engines, hose carts, hooks and ladders, hose and other machines and apparatus for the use of the Fire Department; and with the consent of the Commissioner of Repairs and Supplies, shall repair the same, forthwith, when any repairs shall be necessary; except that where the expense of such repairs shall not, in any one case, exceed fifteen dollars, he may cause them to be made without the consent of that officer; but no repairs shall be made to a fire engine or other machine for the use of the Fire Department, the expense of which shall exceed seventy-five dollars.

To inspect apparatus.

He shall keep correct accounts of the time of the men employed in his bureau, and of the work upon which they are engaged, and the expense attending the same, when it is not done by contract, and shall report the same, under oath, once in each week, to the Commissioner of Repairs and Supplies.

To keep account of men employed, &c.

He shall examine, audit and certify, to the Commissioner of Repairs and Supplies, all accounts for work done under his supervision, and as to the fulfillment or breach of any contract for work required to be done under his direction; and no requisition shall be drawn by the Commissioner of Repairs and Supplies, for any bills, accounts, or contracts for constructing or repairing fire engines, hose carts, hooks and ladders, hose, or other machines or apparatus for the use of the Fire Department, unless certified by the Chief Engineer of the Fire Department.

To examine, audit, &c.

He shall, in all matters connected with this bureau, be under the control, direction and supervision of the Commissioner of Repairs and Supplies, who may approve or disapprove all accounts certified by him, and by whom alone all requisitions upon the Comptroller, for the pay-

Under direction of Commissioner of Repairs and Supplies.

ment thereof, shall be drawn. (Ordinance of May 30, 1849, sections 279-80-81-82-83-84-85.)

Salary of
Chief Engi-
neer.

§ 5. This section,* in relation to the salary of the Chief Engineer, has been amended at various times, viz: by section seventh of ordinance of June 22d, 1842; by resolution approved December 26th, 1844; and by resolution approved July 8th, 1848; which last mentioned resolution is now in force, and stands thus:

Resolved, That the salary of the Chief Engineer of the Fire Department be, and the same is hereby increased to two thousand dollars per annum.

Vacancy
supplied.

§ 6. In case of any vacancy in the office of Chief Engineer, the Senior Engineer shall discharge the duties of Chief Engineer, until the vacancy shall be filled.†

§ 7. Abrogated by section third of ordinance of June 22d, 1842, (9 Pro. C. C., pp. 189-90.) Which section reads thus:

Ibid.

Whenever a vacancy shall occur in either of the offices of Chief Engineer or Assistant Engineers, the engineers and the foremen of the fire companies, collectively, shall have power, and it shall be their duty to call a special election, and designate the time for holding the same, to the end that the nomination, pursuant to the provisions of this ordinance, may be made to the Common Council to supply such vacancy.‡

§ 8. Modified by section fourth of the ordinance of July 16th, 1839, and reads thus:

* For the fifth section of the ordinance of April 23, 1839, vide p. 259.

† Ordinance of April 23, 1839, ante p. 259.

‡ The original section of the ordinance of April 23, 1839, thus abrogated, will be found ante p. 259.

It shall be the duty of the Chief Engineer, or the Senior Engineer, to certify, under his hand, to the Common Council, the name or names of the persons who shall, from time to time, be nominated pursuant to the provisions of this ordinance, for the respective offices for which they may be nominated, to the end that, if approved of by the Common Council, they may be appointed.*

Chief Engineer to certify persons nominated for appointment.

§ 9. This section, which further prescribed the duties of the Chief Engineer, was virtually abrogated by section fourth of ordinances of June 22, 1842, (9 Pro. C. C., 190,) a portion of which has since been repealed. Vide section fourth, ante p. 339.†

Duties of Chief Engineer.

§ 10. Abrogated by section fifth of ordinance of June 22, 1842, (9 Pro. C. C., p. 191,) which has since been amended, and at present stands thus:

Sale of old engines, etc.

The Chief Engineer,‡ under the direction of the Committee on the Fire Department,§ is authorized to sell, for cash, any old and condemned fire engines and hose deposited at the public yard, and shall pay the money received for such engines or hose, when sold, to the city treasurer, and deposit the receipt for such money with the Comptroller.||

§ 11. This section, which directs bills for expenditures to be approved by Committee on Fire Department, was abrogated by Chap. 4, Art. 3, title 5. Part 2, of ordinance

Bills approved by Committee on Fire Department.

* For the original text of this section, vide ordinance of April 23d, 1839, ante p. 260.

† For ninth section of the ordinance of April 23, 1839, thus abrogated, vide p. 259.

‡ The words "Chief Engineer" were substituted for "Superintendent of Buildings," as contained in the text originally, by resolution approved June 18, 1846, (14 P. C. C., p. 19.)

§ Name of Committee altered, February 10th, 1845.

|| For the original section tenth of ordinance of April 23d. 1839, vide p. 260.

of May 39th, 1849, (17 Pro. C. C. pp. 87-9,) and which will be found following under its proper date.*

Water Pur-
veyor's oath

§ 12. The Water Purveyor shall, before entering upon the duties of his office, take and subscribe an oath or affirmation, well and faithfully to perform the said duties.†

Water Pur-
veyor's
Bond.

§ 13. This section was abrogated by the 376th section of the ordinance of May 30th, 1849, (17 Pro. C. C., p. 115,) which stands thus:‡

The Water Purveyor shall, before entering upon the duties of his office, execute a bond to the Corporation, with one or more sureties, to be approved by the Comptroller, in the penal sum of two thousand dollars, conditioned for the faithful performance of the duties of his office.

Water Pur-
veyor's sal-
ary, §1500.

§ 14. This section, relative to the salary of the Water Purveyor, was abrogated by resolution of July 21st, 1849, (17 Pro. C. C., p. 251,) and will be found under its proper date.§

Duties of.

§ 15. It shall be the duty of the said Water Purveyor, to take charge of the public reservoirs and establishments for water for the extinguishment of fires, and to see that the same, and all the apparatus and machinery belonging thereto, and all the public hydrants, are kept in good order.||

* For the eleventh section of the ordinance of April 23, 1839, thus abrogated, vide p. 260.

† Ordinance of April 23, 1839, ante p. 260.

‡ For the thirteenth section of the ordinance of April 23d, 1839, thus abrogated, vide p. 260.

§ For the fourteenth section of the ordinance of April 23d, 1839, thus abrogated, vide p. 261.

|| Ordinance of April 23d, 1839, ante p. 261.

§ 16. Abrogated by section fourth, title 4 of the ordinance of September 7th, 1842, (10 Pro. C. C. p. 41,) which ^{Duties of, as to pipes, &c.} section stands thus:*

It shall be the duty of the Superintendent and Water Purveyor to lay down all the distributing pipes, hydrants and stop-cocks, under the direction of the Chief Engineer and Croton Aqueduct Board; to examine into, and to report to the Croton Aqueduct Board, all applications for water, and generally, to do all such duty as may be assigned to them; and it shall be the duty of the Water Purveyor to attend all fires that may happen in the city, ^{To attend fires.} to provide against all unnecessary waste of water, and see that all hydrants are closed at the termination of each conflagration.

§ 17, 18, 19, 20. Repealed by section second, title 4, of ^{Duties of Water Purveyor.} "An ordinance to organize the Croton Aqueduct Department", passed August 5, 1840, (8 Pro. C. C., p. 36,) and which will be found ante under its proper date.†

§ 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30, all abrogated ^{Fire Wardens.} by various acts of the legislature passed since the approval of the ordinance of April 23d, 1839.‡

The laws now in force relative to the Fire Wardens are as follows, and will be found in the acts passed March 7th, 1849, Chap. 84; and March 29th, 1850, Chap. 120; and will be found ante, under their appropriate date:

(§ 28. Amended by section first, Chap. 120, Laws of 1850.) The duties and powers that were, by law, conferred upon the Fire Wardens in the city of New York, prior to the

* For the original section sixteen of the ordinance of April 23d, 1839, vide p. 261.

† For the sections thus repealed, as they stood in ordinance of April 23d, 1839, vide pp. 261, 262.

‡ For the original sections of the ordinance of April 23, 1839, thus abrogated, vide ante pp. 262, 263, 264, 265.

passage of an act entitled "An act for the establishment and regulation of the police of the city of New York," passed May 7, 1844, as well as the duties and powers of the Fire Wardens, conferred upon the police by the said act, and by the act to amend the same, passed May 13th, 1846, are hereby conferred and imposed upon the officers to be appointed as hereinafter in this section mentioned, who shall be known and designated by the name of the Fire Wardens of the city of New York.

How ap-
pointed.

That such Fire Wardens shall be twelve in number, and shall be selected from the firemen of the city of New York, exempt by law from duty at the time of such selection, whether then in active duty or not; and shall be appointed by the Common Council, upon the nominations of the Representatives of the Fire Department of the city of New York, by a majority of the votes cast by them for that purpose.

To be clas-
sified.

That the said Fire Wardens shall, within ten days after their appointment, be classified into three classes, (four in each class,) by lot, to be drawn by the president of the said Fire Department, at a time and place to be notified to said Fire Wardens, and a certificate of such drawing and classification shall be signed by such president, vice-president or trustee, and filed in the office of the clerk of the city and county of New York. The classes shall be respectively numbered one, two and three, according to the term of service of each. Class one shall serve one year; class two shall serve two years; class three shall serve three years, and until their successors in office shall be appointed. The first nomination and appointment of twelve Fire Wardens shall be made as soon after the passage of this act as practicable; and thereafter the nomination and appointment, in place of those whose term of office

shall expire, shall be made annually, on or about the second Tuesday in April, in each succeeding year. The term of office of said Fire Wardens, who shall be first appointed as aforesaid, shall end as follows: class one, on the second Tuesday of April, 1851; class two, on the second Tuesday of April, 1852; class three, on the second Tuesday of April, 1853, and until their successors shall be appointed, as aforesaid. All vacancies happening during any term or terms of office, shall be filled, as often as they occur, by a like nomination and appointment.

Vacancies
how filled.

§ 29. (Amended by section two, Chap. 120, Laws of 1850.) It shall also be the duty of the said Fire Wardens, respectively, to inquire and examine into any and every violation of any of the provisions of the acts heretofore passed for the prevention of fires in the city of New York, and of the several acts amending or modifying the same, or in addition thereto, or extending the fire limits in said city, and of this act; and it shall also be the duty of the said Fire Wardens, respectively, to give, or cause to be given, a notice, in writing, signed by at least one of them, to the owner and builder, respectively, of any such dwelling house, store, store house, building, ash hole, ash house, wooden shed, wooden building, or frame building in said city, which shall, after the passage of this act, be erected, built, raised, altered, enlarged or built upon or removed from one lot to another, or which shall, after the passage of this act, be in the course of erection, building, raising, altering, enlarging, or being built upon, or being removed from one lot to another, in violation of any of the provisions of the acts, or of any of them, mentioned or referred to in this section, or of this act; requiring such cause of violation to be removed within ten days after the service of such notice. Such service shall be made by leaving such notice with any person of suitable age, at such dwell-

Duties of
Wardens.

ing house, store, store house, building, or frame building, or by posting the same in a conspicuous place on such dwelling house, store, store house, building, ash hole, ash house, wooden shed, wooden building or frame building.

Must at-
tend fires.

It shall also be the duty of the said Fire Wardens, respectively, to report to the said Chief Engineer, the location of, and the peculiar circumstances attending any building constructed, or in course of construction, deemed unsafe; and also to report, as aforesaid, all cases where goods shall be improperly stored in any building, so as to hazard the lives of firemen, or where such goods shall be too heavily laden in a building, or where any building shall, from any cause, have become unsafe.

To report
annually.

It shall also be the duty of said Fire Wardens, respectively, to attend all fires in the fire districts, respectively, to which they may be allotted, and to wear at such fires the usual fire-cap, the words " Fire Warden," and the number of such district conspicuously painted thereon, in white, on a black ground.

Report an-
nually to
the Com-
mon Coun-
cil.

That the said Fire Wardens shall report all their proceedings, and such facts and information as they shall acquire in respect to the subject matter of their duties, to the Common Council of the city of New York, and to the said representatives, annually, on or before the second Tuesday of April, and oftener, if required so to do.

Their office.

That the said Fire Wardens shall be provided by the Common Council of said city with an office, and with necessary fuel and stationery for the same; which office shall be kept open daily, Sundays and holidays excepted, from 8 o'clock, A. M., until 5 o'clock, P. M.

Clerk.

That said Common Council shall, upon the nomination of a majority of said Fire Wardens, appoint a suitable per-

son as clerk to said Fire Wardens, at a salary not exceeding five hundred dollars per annum, subject to removal, at any time, by the Common Council, upon a request of a majority of the Fire Wardens, for incapacity, or neglect of duty prescribed to him by said Fire Wardens; and upon any such removal, another clerk shall, upon like nomination, be appointed as aforesaid; and it shall be the duty of said clerk to attend at such office during said office hours. His salary.

The Common Council, at the request of a majority of the whole number of the Representatives of said Fire Department, may remove any of said Fire Wardens from office, for incapacity or neglect of duty. May be removed for cause.

§ 32. The said Fire Wardens shall have power to make such by-laws for their own government, as shall not be contrary to law, or to the ordinances of the Corporation of the said city, and as shall be approved of by said representatives. By-laws.

(§ 33. Amended by section fourth, Chap. 120, Laws of 1850, and refers to the time when Assistant Engineers acted as Fire Wardens, under a salary of five hundred dollars per annum.) The compensation of the said Assistant Engineers shall be fixed by the Common Council of said city, and shall not exceed the sum of five hundred dollars per annum to each Assistant Engineer, and shall be paid by the Comptroller of said city, by warrants quarterly, and the Board of Supervisors of the city and county of New York shall have power to raise, by tax, a sum necessary to defray such salaries. Salary \$500 per annum.

(Section fourth, act of legislature passed March 29, 1850, amendatory of section thirty-third of act of March 7, 1849, and further amended by section one, Chap. 542, of Laws of 1853.)

The compensation of said Fire Wardens shall be fixed by the Common Council of said city of New York, at the Compensation of Fire Wardens.

sum of five hundred dollars per annum to each Fire Warden, and shall, as well as the salary of said clerk and the rent of said office, and the expense of fuel and stationery, be paid by the Comptroller of said city, by warrants, quarterly; and the Board of Supervisors of the city and county of New York shall have power to raise, by tax, a sum necessary to defray the same.

Amount of salary confirmed by the Common Council on the 3d of October, 1853, by the following resolution:

Salary of
Wardens
confirmed
by Common
Council.

Resolved, That the annual compensation to be paid to the Fire Wardens shall be the sum of five hundred dollars per annum each, to take effect from the passage of said act by the legislature.

Firemen.

§ 31. The firemen shall be divided into companies, to consist of as many members as the Common Council shall, from time to time direct, to attend to the fire engines, hydrants, hose wagons and hooks and ladders belonging, or that may hereafter belong to the Corporation of the city, or to such hydrants, fire engines, hose wagons and hooks and ladders as the Common Council shall direct; and each of the companies shall and may choose, out of their own number, a foreman, assistant and clerk, in such a manner, and at such times as they think proper; and it shall be the duty of the said firemen, as often as any fire shall break out in the said city, to repair, immediately upon the alarm thereof, to their respective engines, hose wagons, hooks and ladders, and convey them to or near the place where such fire shall happen, unless otherwise directed by the Chief or other engineer; and there, in conformity with the directions given by the Chief Engineer, or other engineers, to work and manage the said engines or apparatus and implements with all their skill and power; and when the fire is extinguished, they shall not remove therefrom but

Duty of
firemen.

by the direction of the engineer; and on such direction they shall return their respective hose wagons, hooks and ladders, engines and apparatus, well washed and cleansed, to their several places of deposit. If any fireman shall neglect to attend to any fire as aforesaid, or leave his fire engine or other apparatus, while at any fire, without permission, or shall neglect to do his duty on such occasion, without reasonable excuse, he shall, for every default, forfeit and pay the sum of three dollars, and may, on request of the company to which he belongs, be removed from his station as fireman.*

Penalty for neglect.

§ 32. It shall be the duty of each and every fire company, in going to or returning from any fire, or alarm of fire, or removing their apparatus from their respective places of deposit, to obey the orders of the Chief or other engineers.†

To obey Engineers when with engines.

§ 33. And in case any foreman or assistant foreman, or any other fireman, having charge of any fire company, disobeying or refusing to obey any order or direction given by the Chief or other engineer, he shall, for such offence, be suspended or expelled from the Fire Department.‡

Penalty of disobedience.

§ 34, 35, 36, 37 and 38. Repealed by an ordinance passed August 6, 1841, (9 Pro. C. C., p. 43,) and which will be found following under its proper date.§

Keep apparatus in order.

§ 39. It shall be the duty of all members of the Fire Department, as well as those who are hired for the purposes

Persons not firemen not to handle apparatus.

* This section, as it stood in ordinance of April 23d, 1839, for which see ante p. 267, was amended by ordinance of March 5th, 1840, (7 Pro. C. C., pp. 124, 125,) so as to read as in the text, by inserting the words "suspended or," in the last line.

† For the sections thus repealed, of the ordinance of April 23d, 1839, vide pp. 267-8-9.

‡ Ordinance of April 23d, 1839, ante p. 266.

§ Ordinance of April 23d, 1839, ante p. 267.

above-mentioned, to prevent all persons not belonging to the department, from entering any house, or handling any apparatus belonging to the department.*

§ 40. Abrogated by section eighth of ordinance of June 22d, 1842, (9 Pro. C. C., p. 191,) which is as follows:†

Running
apparatus
on sidewalk
prohibited.

No fire engine, nor hook and ladder truck, nor hose cart shall, in going to or returning from any fire, or at any other time, be run, driven, wheeled or placed upon any side-walk, except by the special order of one of the engineers, under the penalty of twenty-five dollars for each offence, to be forfeited and paid by every person aiding or assisting in, or consenting to the violation of any one of the provisions of this section; to be recovered by the Attorney of the Common Council, for the use of the Corporation; and also, under the further penalty of the expulsion of the foreman and assistant foreman, and all the members of the company.

For the more perfect enforcement of this section, the following resolution was approved May 8th, 1845:

Resolved, That the policemen and watchmen be directed to report to the Chief Engineer, all fire companies found violating the ordinance relative to running fire apparatus on the side-walk, together, when practicable, with the name of the officer or member in command.

The following resolution, which only reiterates the foregoing section of the ordinance of 1842, was approved May 17th, 1853, (9 Pro. C. C., p. 215.)

Resolved, That the Chief Engineer of the Fire Department be, and he is hereby directed to notify the foreman

* Ordinance of April 23d, 1839, ante p. 269.

† For the original section forty of ordinance of April 23d, 1839, vide p. 270.

of each and every engine, hose and hook and ladder company, that after the passage of this resolution, the running of any engine, hose carriage or hook and ladder truck on the side-walk, unless ordered by the Chief Engineer or an Assistant Engineer, shall be deemed a sufficient cause to disband such engine, hose or hook and ladder company.

§ 41. No such fire engine, hook and ladder, or hose cart, during any fire in this city, or any report of fire, or at any time, under any pretence whatever, shall be taken or removed out of its house, unless the foreman or assistant foreman, or at least two of the firemen of the company to which the same shall belong, shall be present and consent thereto, under the penalty of ten dollars for every such offence, to be forfeited and paid by, and recovered from any and every person aiding and assisting in, or consenting to the violation of any of the provisions of this section.*

Not taken from engine house, unless, &c.

§ 42. It shall be the duty of the several engineers, and of every foreman and assistant foreman of every fire company, to report all violations of this ordinance to the treasurer of the Fire Department.†

Violations to be reported to Treasurer of Department.

§ 43. Abrogated by the 460th section of the ordinance of May 30th, 1849, (17 Pro. C. C., p. 135,) which is as follows; ‡

Power to take apparatus from a company.

The Chief Engineer may take any fire engine, hook and ladder or hose truck from any company to which it is assigned, and place the same in the public yard, or assign it to another company, and shall, forthwith, report the same to the Common Council for their action.

* Ordinance of April 23d, 1839, ante p. 270.

† Ordinance of April 23d, 1839, ante p. 270.

‡ For the original section forty-three of the ordinance of April 23d, 1839, vide p. 270.

§ 44. Abrogated by section 461 of the ordinance of May 30th, 1849, (17 Pro. C. C., p. 135,) which is as follows:*

Ordering
apparatus
to public
yard.

All firemen attached to a company whose engine, hook and ladder or hose truck shall have been ordered to the public yard by reason of an insufficient complement of men to manage the same, shall be attached, by the Chief Engineer, to any other company, to be designated by such firemen; or, if they refuse to designate another company, the Chief Engineer shall report such refusal to the Common Council, for their action.

No engine
to be hired
unless, &c.

§ 45. No fire engine shall be let out for hire, or lent in any case, without permission from the Alderman and Councilmen of the ward wherein it is wanted to be used; and the Chief Engineer, in default thereof, and the firemen so offending, shall be removed from the Fire Department.†

Fireman's
certificate
of appoint-
ment.

§ 46. Whenever any fireman is appointed to supply any vacancy in any company, it shall be his duty to call on the treasurer of the Fire Department and procure a certificate, within one month from the date of his appointment, specifying the name and number of the company to which such fireman shall be elected; and any fireman, after being re-elected, shall obtain a new certificate, as aforesaid; and it shall be the duty of the Chief Engineer to certify, on every return, whether a vacancy exists in the company.‡

Re-election

Expulsion.

§ 47. Abrogated by sections 462-3-4 of the ordinance of May 30th, 1849, (17 Pro. C. C., p. 135,) which are as follows:§

* For the original section forty-four of the ordinance of April 23d, 1839, vide p. 270.

† Ordinance of April 23d, 1839, ante p. 271.

‡ Ordinance of April 23d, 1839, ante p. 271.

§ For the original section forty-seven of the ordinance of April 23d, 1839, vide p. 271.

If a fire company shall vote for the expulsion of a fireman belonging thereto, the same shall be forthwith reported, by the Chief Engineer, to the Common Council, for their action. Vote of expulsion.

All complaints by the Chief Engineer, or Assistant Engineers, against firemen, for misconduct in the performance of their duties, shall be forthwith reported to the Common Council, for their action. Complaints

When a report shall be made to the Common Council, as provided in the last two sections, it shall not be finally acted upon by them until it shall have been referred to a Committee, to ascertain and report the facts, with a full opportunity to the party complained of to be heard in his defence. Must be referred.

§ 48. In order that the members of the Common Council, Engineers and Fire Wardens may be more readily distinguished at fires, the Mayor, Recorder, Aldermen and Councilmen* shall severally bear, on those occasions, a wand, with a gilded flame at the top; and each of the engineers shall wear a leathern cap, painted white, with a gilded front thereto, and a fire engine blazoned thereon, and shall also carry a speaking trumpet, painted black, with the words "Chief Engineer," "Engineer No. 1," (as the case may be,) in white, which shall also be painted on their caps, respectively.† Aldermen, Councilmen, Fire-Wardens' badges of office.

§ 49. The foremen of engine companies, and the firemen, shall, when on duty, wear leathern caps, in the form here- Caps of Firemen.

* The original text read "Assistants;" the amended charter of April 12, 1853, changed the name to Councilmen.

† Ordinance of April 23d, 1839, ante p. 271.

The remainder of this section refers to the cap to be worn by the Fire Wardens on occasion of fire. For the law, at present in force, as to caps worn by Fire Wardens. vide p. 348, which also gives in detail the duties of said officers.

tofore used; and the said caps shall be painted and distinguished in the manner following, viz: the cap of each foreman shall be painted black, with a white frontispiece, and the word "Foreman," with the initials of the name of the foreman and the number of the engine to which he belongs, painted thereon, in black; the cap of each fireman shall be painted black, with the initials of the name of the fireman, and the number of the engine to which he belongs, painted in front thereof, in white; the foreman of each of the hook and ladder companies shall wear a cap, painted black, with a white frontispiece, and the word "Foreman," and the initials of his name, and the number of the company to which he belongs, and a hook and ladder painted thereon, in black; and each member of the hook and ladder companies shall wear a cap, painted black, with the initials of his name, and the number of the company to which he belongs, with a hook and ladder painted in front thereon, in white; and each foreman of the fire hose companies shall wear a cap, painted black, with a white frontispiece, and the word "Foreman," and the initials of his name, and the number of the company to which he belongs, and a coil of hose painted thereon, in black; and each member of the said fire hose companies shall wear a cap, painted black, with the initials of his name and the number of the company to which he belongs, with a coil of hose painted thereon, in white; and the assistant to each respective company shall wear a cap, painted in the same manner as that of the foreman of the company, with the word "Assistant," in lieu of the word "Foreman." And it shall be the duty of the Chief Engineer to report to the Common Council the name of every person who shall neglect or refuse to comply with the foregoing requisitions, which said person shall thereupon be removed from his office.*

* Ordinance of April 23d, 1832, ante p. 272.

§ 50. The names and places of abode of the members of the Common Council, Engineers, Fire Wardens, and foremen of the respective companies, and bell-ringers shall, annually, in the month of June, be printed and set up in the several police stations,* by the City Inspector; and whenever any fire shall happen in the night, the police-^{men}† shall give notice to each of the members of the Common Council, Engineers, Fire Wardens, foremen and bell-ringers within their respective police districts;‡ and it shall, moreover, be the duty of every policeman, upon the breaking out of any fire, to alarm the citizens by crying fire, and mentioning the street where it may be, so that the firemen and citizens may thereby be directed where to repair; and if any policeman shall neglect so to do, he shall forfeit and pay the sum of one dollar; and if it shall happen that a chimney only shall be on fire, either by day or by night, the fire bell at the City Hall, and the bells of the several churches in this city shall not be rung, but only on occasions where a building shall be proclaimed to be on fire; and it is enjoined on the occupants to place a lighted candle at the windows of their respective buildings, when fire may happen at night, in order that the citizens may pass along the streets with the greater safety.§

Duty of Policemen on alarm of fire.

§ 51, 52 and 53. Repealed by the ordinance of October 15th, 1853, (21 Pro. C. C., p. 438,) which was amended by the ordinance of December 31st, 1853; for present laws as to bell-ringers, vide post under proper date.

Bell-ringers

* The act passed by the legislature May 7th, 1844, Chap. 315, entitled "An act for the establishment and regulation of the police of the city of New York," abolished the Watch Department, and substituted day and night police.

† For further duties of the policemen in case of fires, vide ordinance of February 18th, 1852, which will be found under its proper date.

‡ For the original text, vide ordinance of April 23d, 1839, ante p. 273.

§ The original sections fifty-one, fifty-two and fifty-three of the ordinance of April 23d, 1839, thus repealed, will be found ante, p. 274.

The sections in relation to bell-ringers, their pay and duties, as now in force, are as follows:

Appoint-
ment of.

The Mayor of the city of New York shall appoint three persons to act as bell ringers at each of the different alarm districts in the city of New York. Such persons shall be selected from among the exempt firemen of the city.

Pay.

The bell-ringers so appointed shall receive, as remuneration for their services, the sum of six* hundred dollars each, per annum, and shall be subject to removal, by the Mayor, for misdemeanor, or negligence of duty. (Ordinance of October 15th, 1853.)

Ibid.

The Comptroller is hereby authorized and directed to pay the salaries to the bell ringers appointed in accordance with the directions of section one of this ordinance, (which section increased the pay to six hundred dollars,) out of the appropriation for the Fire Department. (Ordinance of December 31st, 1853.)

Police sta-
tion and
market
bells.

§ 54. Upon the happening of any fire, the several police station† and market bells shall be rung, and also all other alarm bells; and the same shall be done when any one alarm bell shall ring, and the ringing thereof shall be continued until the ringing of the district bell shall be stopped.‡

Penalty for
neglect of
bell-ringers

§ 55 and 56. These sections, in relation to penalty for neglect of bell-ringers, and Chief Engineer to report the

* The ordinance, as approved October 15th, 1853, made the salary five hundred dollars, but was subsequently amended so as to read as in the text, vide ordinance of December 31st, 1853.

† The original text read "watch house," but the same is altered to conform to the act of the legislature passed May 7th, 1844, establishing a Police Department.

‡ This section stands as it did in ordinance of April 23d, 1839, ante p. 274, excepting that by a resolution passed August 5th, 1840, (8 Pro. C. C., p. 41,) it was amended by striking out, in the fifth line, the words "City Hall bell," and inserting "District bell."

same, were repealed by the ordinance of October 15th, 1853, (21 Pro. C. C., p. 438,) and which will be found following under its proper date.* (Vide sections 51-2-8.)

§ 57. This section, relative to the removal of policemen by the captain, for neglect to give alarm of fire, is virtually abrogated by the act passed the legislature April 13th, 1853, which confines the power of removal to a Board of Commissioners.†

Removal of
Policemen
for neglect
to alarm.

§ 58. It shall be the duty of the constables to repair immediately on the alarm of fire, with their staves of office, to the place where such fire may be, and report themselves to the § Alderman or Councilman of the ward in which such fire may happen; and to conform to such orders as may be given him by the Mayor, or any one of the Aldermen or Councilmen, for the preservation of the public peace, and the removal of all idle and suspected persons, or others not actively or usefully employed in aiding the extinguishment of such fire, or in the preservation of property in the vicinity thereof; and if any constable shall not attend at such fire, or shall neglect so to report himself, or to obey any orders that shall be given him as aforesaid, he shall, unless he has a reasonable excuse, to be

Duty of
constables
at fires.

* For the sections of the ordinance of April 23d, 1839, thus repealed, vide p. 275.

† For this section, as it originally stood in ordinance of April 23d, 1839, vide p. 275.

‡ The text originally read marshals and constables in the first and twelfth lines, but by the act of the legislature passed May 7th, 1844, the office of marshals was abolished.

§ The text, in the fourth line of the original, (vide ordinance of April 23d, 1839,) read "High Constable or Alderman," but since the decease of Jacob Hays, in the year 1850, the office of High Constable has been considered null and void, but prior to that date existed under the charter of Thomas Dongan, made and executed in 1686, and was acknowledged by the charter commonly known as the "Montgomery Charter of 1708," vide sections thirty-two and thirty-three of said charter, which prescribes the oath, and manner of taking the same, &c.

determined by the Mayor, forfeit and pay the sum of five dollars for each offence.

Chimnies. § 59. If any chimney, stove pipe or flue, within this city shall take fire, the occupant of the house to which such chimney, stove pipe or flue appertains, shall forfeit and pay five dollars.*

Penalties. **Carpenters, &c., to secure shavings.** § 60. All carpenters, or others making or using shavings, shall, respectively, at the close of each day, cause the same to be securely stowed, in some safe place, remote from danger by means of fire, under the penalty of five dollars for each omission so to do.†

Fires in the streets. § 61. No person shall kindle, nor furnish the materials for any fire, nor in any way authorize or allow any fire to be made in any street, road or lane, or on any pier or bulkhead in this city, except for the purpose of boiling tar, which fire shall not be more than six feet from the bulkhead or the end of the pier, under the penalty of ten dollars for every such offence.‡

Hay and straw how to be placed § 62. No person shall have, put or keep any hay or straw, uncovered, in any stack or pile, or in any other way exposed, within one hundred yards of any building, to the southward of Fourteenth street, or shall have, put or keep, to the southward of said line, any hay, straw, hemp, flax, shavings or rushes, in any building not built of stone or brick, and covered with tile or slate, or other fire proof materials, which is or shall be within ten feet of any dwelling house or chimney whatsoever, under the penalty of twenty-five dollars for every such offence, and the further penalty of ten dollars for every twenty-four hours the

* Ordinance of April 23d, 1839, ante p. 276.

† Ordinance of April 23d, 1839, ante p. 276.

‡ Ordinance of April 23d, 1839, ante p. 276.

same shall so remain, after a printed or written notice shall be given to the owner or person having charge thereof, by any Fire Warden, to remove the same.*

§ 63. No owner or occupant of any stable within this city, or any person in the employment of such owner or occupant, shall use therein any lighted candle or lamp, except the same shall be securely kept within a lantern, under the penalty of ten dollars for every such offence.†

Candles,
how to be
used in sta-
bles.

§ 64. All the fines, penalties and forfeitures imposed by this law, on the members of the Fire Department, for not attending to fires, shall, when received, be paid to the treasurer of the respective companies, as aforesaid, in which the delinquencies may happen, for the use and benefit of said companies; and all the other fines, penalties and forfeitures imposed by this law shall, when recovered, be paid to the treasurer of the "Fire Department of the city of New York," for the use and benefit of the said fire department.

Penalties,
how appro-
priated.

The Chief Engineer shall, annually, on the second Monday of December, in each year, report to the Common Council the amount of the sums which may be received by the Fire Department of the city of New York, and the application thereof.‡

Annual re-
port
of
Chief.

§ 65. It shall be lawful for the Fire Department of the city of New York, and for the respective companies before mentioned, or persons duly authorized by them, to receive, sue for, and recover, in the name of the Mayor, Aldermen and Commonalty of the city of New York, all the fines, penalties and forfeitures hereby imposed, and appropriated

Penalties,
how recov-
ered.

* Ordinance of April 23d, 1839, ante p. 276.

† Ordinance of April 23d, 1839, ante p. 277.

‡ Ordinance of April 23d, 1839, ante p. 277.

for their respective uses, as aforesaid, except the penalty mentioned in the fortieth section of this law.*

Persons not
to be elect-
ed firemen
unless 21
years of age

§ 66. No person shall be elected a fireman until he shall have attained the age of twenty-one years; and it shall be the duty of the foremen of the respective fire companies, when they report to the Chief Engineer the names of the persons elected firemen, to certify that the persons so elected are at least twenty-one years of age.†

The following resolution, approved October 11th, 1854, will show the present qualifications necessary for election as a member of the Fire Department.

Resolved, That all persons who may, in future, be elected to fill vacancies in fire companies, shall present to the office of the Chief Engineer a certificate of such election, signed by the foreman and secretary of the company in which he has been elected, and that said candidate, before the Chief Engineer presents his name to the Common Council, shall make affidavit that he is a citizen of the United States, is twenty-one years of age, that it his intention to perform active duty as a fireman in the company in which his name is enrolled, and that he will promote subordination in the department.

Certificate. § 66. It shall be the duty of the Clerk of the Common Council to furnish the certificates required to be furnished to the firemen, without fee or reward.‡

Duty of the Mayor. § 68. It shall be the special duty of the Mayor to see that this ordinance is carried into full effect.§

* Ordinance of April 23d, 1839, ante p. 277.

† Ordinance of April 23d, 1839, ante p. 277.

‡ Ordinance of April 23d, 1839, ante p. 278.

§ Ordinance of April 23d, 1839, ante p. 278.

§ 69. Nothing contained in this ordinance shall deprive the Common Council of the power to repeal or alter the same at any time they may think proper.* Powers of Common Council to repeal and amend.

§ 70. All laws, or parts of laws, relating to the New York Fire Department, heretofore passed by the Common Council, are hereby declared to be repealed.† Laws heretofore passed to be repealed.

AN ORDINANCE *to amend the laws and ordinances now in force relative to fires and the Fire Department in the city of New York.*

PASSED July 16, 1839.

The Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened, do ordain as follows:

§ 1 and 2. These sections, in relation to election of Chief Engineer and Assistant Engineers, were virtually abrogated by sections one and two of the ordinance of June 22d, 1842, &c., vide section two of the revision of the ordinance of 1845, p. 338.‡ Election of Chief, &c.

§ 3. This section, in relation to vacancy in the office of Chief Engineer or Assistant Engineers, was abrogated by section three of ordinance of June 22d, 1842. Vide section seven of revision of ordinances of 1845, p. 342.§ Vacancy in office of chief.

§ 4. This section, as to duty of Chief Engineer to certify elections, modifies section eight of revision of ordinances of 1845, vide ante p. 342. Chief Engineer to certify election.

* Ordinance of April 23d, 1839, ante p. 278.

† Ordinance of April 23d, 1839, ante p. 278.

‡ The original section of the ordinance of July 16th, 1839, thus abrogated, will be found ante p. 279.

§ The original section of ordinance of July 16th, 1839, thus abrogated, will be found ante p. 279.

Regulations for holding elections.

§ 5. The engineers, and the foremen and assistant foremen of the fire companies, shall have power, and it shall be their duty to establish and provide regulations for holding and conducting the elections authorized to be held by this ordinance, and rules for testing the qualifications of electors thereat.*

Firemen entitled to vote.

§ 6. Every fireman whose appointment as a member of the Fire Department shall have been confirmed by the Common Council three months next preceding the nomination at which he may offer to vote, pursuant to this ordinance, and shall then be, and for the last three months shall have been an acting and actual member of the Fire Department, shall be entitled to one vote upon such nomination.†

Sale of old engines.

§ 7. This section was virtually abrogated by section five of the ordinance of June 22d, 1842, (9 Pro. C. C., p. 191,) vide revision of Ordinances of 1845, section ten, p. 343.‡

Salary of Chief Engineer.

§ 8. This section, in relation to salary of Chief Engineer, has been amended, from time to time, vide revision of ordinances of 1845, section five, p. 342.‡

Repeal of sections of ordinances not subject to this revision.

§ 9. This section repeals sections two, five, seven, eight, nine, ten and eleven of the ordinance of May 7th, 1838, with their subsequent amendments, alterations and reenactments.§

* Ordinance of July 16th, 1839, ante p. 280.

† Ordinance of July 16th, 1839, ante p. 280.

‡ The original section of the ordinance of June 16th, 1839, thus abrogated, will be found ante p. 280.

§ The original section of the ordinance of July 16th, 1839, thus amended, will be found ante p. 280.

|| The original section of this ordinance of July 16th, 1839, will be found ante p. 280.

§ 10. All laws, or parts of laws, so far as they conflict ^{Repeal.} with any of the provisions of this ordinance, are hereby also repealed.*

§ 11. This section, as to first nomination of Chief En- <sup>First nomi-
nation of
Chief.</sup> gineer and Assistant Engineers, was abrogated by ordinance of December 9th, 1853. Vide revision of ordinances of 1845, section two, p. 338.†

§ 12. Nothing contained in this ordinance shall deprive <sup>Saving sec-
tion.</sup> the Common Council of the power to repeal or alter the same, at any time they think proper.‡

Expenses of Election of Engineers of Fire Department.

PASSED November 19th, 1840.

Resolved, That the Comptroller be, and he is hereby di- <sup>Expenses of
election.</sup> rected to pay no bills of expenses of any future election for engineers of the Fire Department, including advertising, inspectors' expenses, room hire, stationery, &c., which shall exceed twenty-five dollars.

Resolution relative to Volunteers.

PASSED November 10th, 1841.

Resolved, That the practice of permitting volunteer as- <sup>Duty of
magistrates
and others.</sup> sociations to assume the garb of firemen, and to mingle in the duties thereof, is not only in direct and open violation of the ordinances of the Common Council, but calculated,

* Ordinances of July 16th, 1839, ante p. 281.

† The original section of the ordinance of July 16th, 1839, will be found ante p. 281.

‡ Ordinance of July 16th 1839, p. 281.

• in its results, to demoralize the character of our youth, and bring reproach upon the department, by the riotous and disorderly conduct in which they are so often engaged; and that the officers and members of each company be desired, forthwith, to disband all associations of volunteers, and upon no occasion to suffer or permit them to have access to the public property; and all magistrates, watchmen, and public officers are hereby requested to prevent the congregating of all boys around or in the vicinity of engine, hose and hook and ladder houses, to the end that members of the Fire Department may be recognized as such, and be held responsible for all deviations from the path of duty, and the requirements of the ordinances of the Common Council.

Also, vide section nine of ordinance of June 22d, 1842, p. 296.

AN ORDINANCE *for dividing the city of New York into three Fire Districts.*

PASSED April 28th, 1842.

No. of fire districts. Striking of bells. Districts in which companies shall do duty.	This ordinance was mostly abrogated by the ordinance passed November 25th, 1850, dividing the city into eight fire districts, regulating the ringing of the district bells, and designating the districts in which the various engine, hose and hook and ladder companies shall be required to do duty. (For the ordinance of 1850, vide ante p. 321.*) The following resolution, however, suffixed to the ordinance, is in full force:
---	---

Resolved, That no fire company shall remove their apparatus out of the district in which the same is located, below

* For the ordinance of April 28th, 1842, thus abrogated, vide p. 291.

Fourteenth street, in case of fire, or an alarm of fire, under the penalty of being subject to expulsion or suspension from the Fire Department, unless they shall be permitted so to do by the Chief or one of the Assistant Engineers, who are hereby authorized to give the necessary signal, ^{General} alarm, which is hereby declared to be the constant ringing of the alarm bell in the district in which the fire is, when the whole department shall proceed to the scene of conflagration.

AN ORDINANCE to amend and alter Chap. 15 of the Revised Ordinances, entitled "Of fires and the Fire Department, passed April 23d, 1839; and also, an ordinance entitled "An ordinance to amend and alter the laws and ordinances now in force relative to fires and the Fire Department of the city of New York."

PASSED June 22d, 1842.

The Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened, do ordain as follows:

§ 1. Amended by the ordinances passed January 5th, 1850, and June 18th, 1850, and also by the act of the legislature, passed March 29th, 1850, section one; vide section one of revision of ordinances of 1845, ante p. 337.* ^{Fire Department, of whom to consist.}

§ 2. For this section, as it at present stands, in relation to election of Chief Engineer and Assistant Engineers, vide section two of revision of ordinances of 1845. ante p. 338.† ^{Nomination of Chief and Assistant Engineers.}

* This section, as contained originally in the ordinance of 1842, will be found ante p. 293.

† The original section of the ordinance of June 22d, 1842, will be found ante p. 293.

Vacancies
how suppli-
ed.

§ 3. Whenever a vacancy shall occur in either of the offices of Chief Engineer, or Assistant Engineers, the engineers and the foremen of the fire companies, collectively, shall have power, and it shall be their duty to call a special election, and designate the time for holding the same, to the end that a nomination, pursuant to the provisions of this ordinance, may be made to the Common Council, to supply such vacancy.*

Duties of
Chief Engi-
neer.

§ 4. A portion of this section has been repealed. For the section as it now stands, vide section four of revision of ordinances of 1845, ante p. 339.†

Sale of old
engines, etc.

§ 5. This section, in relation to the sale of old and condemned engines, &c., was amended, and will be found, as amended, in section ten of revision of ordinances of 1845, p. 343.‡

Taking en-
gines from
companies.

§ 6. This section as to taking engines from companies, was virtually abrogated by the 460th section of the ordinance of May 30th, 1849. (Vide section forty-three of revision of ordinances of 1845, ante p. 353.§)

Salary of
Chief.

§ 7. This section, as amended at intervals, will be found in section five of the revision of ordinances of 1845, ante p. 342.||

Running
apparatus
on side-
walk.

§ 8. For the acts of the Common Council in relation to running apparatus on the side-walks, vide section forty of the revision of ordinances of 1845, ante p. 352.¶

* Ordinance of June 22d, 1842, ante p. 294.

† The original section of the ordinance of June 22d, 1842, will be found ante p. 294.

‡ For the original section of the ordinance of June 22d, 1842, vide ante p. 295.

§ The original section of the ordinance of June 22d, 1842, will be found ante p. 295.

|| For the original section of the ordinance of June 22d, 1842, vide p. 295.

¶ The original section of the ordinance of June 22d, 1842, will be found ante p. 295.

§ 9. No boys or other persons, known as volunteers, shall be permitted to assume the garb of firemen, have access to any of the places of deposit of the fire engines, hose, hooks and ladders, or other apparatus of the Fire Department, or run as members with any such engine, hose cart, or hook and ladder truck, or form any association similar, in any way, to those now known as "Volunteer Associations," and any fire company in the city of New York, which shall consent to any violation of the provisions of this section, shall be forthwith disbanded. (Also, vide resolution of November 10th, 1841, p. 290.*)

Volunteers prohibited.

§ 10. That in case of any breach of the peace, or other violation of good order, on the part of any of the firemen, while on duty, it shall be the duty of the officer in command, for the time being, forthwith to report the name of the person or persons so offending to the Committee on Fire and Water; and in case of his neglect to do so, he shall be held responsible for the same.†

Breaches of the peace to be reported.

§ 11. It shall be the especial duty of the foreman and assistant foreman of each engine, hose and hook and ladder company to see that the last preceding sections of this ordinance are fully and strictly enforced, so far as regards the company to which such foreman or assistant foreman may be attached; and if either or both of them aid or consent to the violation of the provisions of such section, they, or either of them, so offending, shall be immediately expelled from the department.‡

Duty of foremen and assistant foremen.

§ 12. This section, in relation to the number of men allowed to engine, hose and hook and ladder companies, was

Number of men.

* Ordinance of June 22d, 1842, ante p. 296.

† Ordinance of June 22d, 1842, ante p. 296.

‡ Ordinance of 22d June, 1842, ante p. 296.

amended on the 18th of June, 1846; again on the 8th of March, 1853; and further, on the 10th November, 1854, and at present stands thus:

Resolved, That the complement of men allowed the different engine, hose, and hook and ladder companies shall be as follows, viz:

First class engines.....	60 men.
Second ".....	50 "
Third ".....	40 "
Hose companies.....	25 "
Hook and ladder companies.....	40 "

Hydrant companies to remain as they now are, and the Chief Engineer is hereby directed not to receive any more returns of members elected in the various fire companies, until the membership of each conforms to the before-mentioned standard.*

First nomi-
nation.

§ 13. (This section, as to first nomination of officers, was abrogated by the ordinance of December 9th, 1853. Vide last paragraph of section two of revision of ordinances of 1845, ante p. 339.†)

Engines,
&c.

§ 14. This section, in relation to denomination of engines, hose companies, &c., has been so frequently amended that it will be useless to recount them. For a full detail of the present names of the companies vide appendix.‡

Repeal.

§ 15. All ordinances or parts of ordinances, inconsistent with the provisions of this ordinance, are hereby repealed.

* For original section twelve of ordinance of 22d June, 1842, vide ante p. 297.

† For the original section of ordinance of June 22d, 1842, vide p. 297.

‡ For the original section fourteen of the ordinance of June 22d, 1842, vide p. 297.

AN ORDINANCE *to amend an ordinance entitled "An ordinance to amend an ordinance to regulate the water works of the city of New York, passed April 13, 1843.*

PASSED December 9, 1847.

§ 1. No person or persons, except the Mayor, Aldermen and Assistants of the respective wards shall, without previous permission, in writing, from the Croton Aqueduct Board, unscrew or open any hydrant belonging or attached to the Croton Aqueduct Works, except for the extinguishment of fires, (except in cases of fires in the neighborhood,) nor shall leave said fire hydrant open for a longer time than shall be limited in said permission, nor shall use the water for other purposes than may be mentioned in said permission, under a penalty of not less than five dollars, nor more than twenty-five dollars for each offence, in the discretion of the magistrate before whom the complaint shall be made.

Opening
hydrants
prohibited.

Resolution as to Name of Committee.

Resolved, That the name and style of the "Committee on Fire and Water" be changed to the "Committee on the Fire Department."

Name of
Committee
changed.

Approved February 10, 1845.

Resolution as to Suspended Members.

Resolved, That the Chief Engineer be directed to notify the foremen of such companies as are wholly or in part disbanded, that in the event of any suspended member or officer of such company attempting to take command, he will be forthwith expelled from the department.

Suspended
members
not to take
command.

Approved July 25, 1845.

Resolution as to allowing companies the use of Croton water.

Companies
allowed use
of Croton
water.

Resolved, That the various engine, hose and hook and ladder companies attached to the Fire Department, be granted the use of the Croton water on paying the expenses of its introduction.

Passed June 10, 1846.

AN ORDINANCE.

The Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened, do ordain as follows:

Duties of
Foremen
and Secre-
taries
of
companies.

§ 1. It shall be the duty of the foremen and secretaries of the several fire companies of said city, to make an annual return of the members of their respective companies to the Chief Engineer of the Fire Department, as heretofore; such returns shall, however, be made under the oath of the foreman and secretary, that the persons therein named as members of their respective companies are actual and active members thereof. And it shall be the duty of the Clerk of the Common Council, on the said returns being presented by the said Chief Engineer to the Common Council, to correct the Register of the Firemen, in his office, in accordance with said returns.

Fire regis-
ter.

§ 2. All ordinances or parts of ordinances, inconsistent herewith, are hereby repealed.

Passed April 9, 1850.

Resolution as to an Assistant Engineer for the Twelfth Ward.

PASSED June 18, 1850.

Assistant
Engineer,
12th Ward.

Resolved, That an additional Assistant Engineer of the Fire Department be elected, hereafter, by said department, who shall, at the time of his election, reside in the

Twelfth Ward of the city of New York; said Assistant Engineer to serve for the same term as the Assistant Engineers of the department heretofore elected; and in case of his removal from said ward, his office to become thereby vacant, and the same filled by a new election.

By this resolution the number of Assistant Engineers was increased from ten to eleven. Vide section one of revision of ordinances of 1845, ante p. 337.

AN ORDINANCE *prescribing the duties of Policemen in case of fires.*

PASSED February 18, 1852.

The Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened, do ordain as follows:

§ 1. It shall be the duty of the policemen on duty, whenever an alarm of fire shall be raised during the night, to give notice thereof to the several firemen residing within their respective beats, at their places of residence, who, in accordance with the fire regulations, ought to turn out on occasion of such alarm.

Duty of Police on an alarm of fire.

§ 2. Each fireman shall deliver to the Captain of Police for the district in which he shall reside, a statement of his name and place of residence, and the Captains of Police shall furnish the several policemen under their charge with the names and residences of firemen residing within the respective beats of such policemen; and it shall be the duty of the policemen to notify all such persons, in accordance with the provisions of section one of this ordinance.

Residences of firemen to be furnished policemen.

§ 3. This ordinance shall take effect immediately.

Resolution in relation to Fire and Police Telegraph.

PASSED December 31, 1853.

Fire and
police tele-
graph.

Resolved, That the Commissioner of Repairs and Sup-
plies be authorized to employ a competent person to take
charge of the Fire and Police Telegraph of this city, at a
salary not to exceed one thousand dollars, which amount
is hereby appropriated therefor.

(For particulars as to the Fire Telegraph, vide resolution
of December 2d, 1847, and January 25th, 1851, ante pp.
308 and 325.)

70th SESSION.*

CHAP. 495.

AN ACT in relation to Jurors in the city of New York.

PASSED December 15th, 1847.

As to exemption from jury. § 13. No fireman of said city shall be exempted from jury duty unless he actually performs all the duty of a fireman in his company; and to entitle him to such exemption, he shall produce a certificate of the foreman or other chief officer of his company, that he is a faithful and acting member thereof.

This provision, however, is not to effect those who are exempt from serving as jurors, by reason of having served as firemen for the period required by law.

* The above is an omission from the State Laws

APPENDIX.

78th SESSION.

AN ACT *for the better regulation of the Firemen in the city of New York.*

PASSED March 29, 1855.

The People of the state of New York, represented in Senate and Assembly, do enact as follows:

§ 1. There shall be elected by the Representatives of the New York Fire Department, five Commissioners, at the time, and in the manner hereinafter provided, to be denominated "The Commissioners of the New York Fire Department."

<sup>(Fire Com-
missioners.</sup>

§ 2. The said Commissioners shall be elected on the second Tuesday in May, at such place and hour as the said representatives shall designate; and a majority of the votes cast shall be requisite to a choice.

^{Election.}

§ 3. The first election for Commissioners, under this act, shall take place on the second Tuesday in May next; and within ten days after such election, the persons so elected shall, in the presence of the president of the New York Fire Department, draw for the term of their respective offices—say one for the term of five years, one for the term of four years, one for the term of three years, one for the term of two years, and one for the term of one year—and annually, thereafter, there shall be elected one Commissioner, to hold his office for the term of five years.

^{When:}

Vacancy. § 4. In case of a vacancy in the office of either, or all of the said Commissioners, either by death, removal or resignation, the said representatives shall proceed, within thirty days thereafter to fill said vacancy or vacancies; and the person or persons so elected shall hold their office only for the balance of the unexpired term.

Neglect of duty. § 5. In the case of the refusal or neglect of either or all of the said Commissioners to perform any of the duties imposed upon them by this act, the Common Council of the city of New York shall have power to remove said Commissioner or Commissioners; such removal to take place only upon the petition of the said representatives thereof.

Eligibility. § 6. No person shall be eligible as such Commissioner unless he shall be, at the time of such election, an exempt fireman, and shall have ceased to be a member of the New York Fire Department for at least three years prior to said election.

Duty of President, &c. § 7. It shall be the duty of the president and secretary of the New York Fire Department to certify to the Common Council the names of the persons so elected Commissioners.

Clerk. § 8. The said Commissioners shall nominate, and the Common Council shall appoint a clerk, at a salary not exceeding five hundred dollars a year; and the Commissioners and clerk shall take an oath to well and faithfully perform their office.

Organization of companies. § 9. It shall be the duty of the said Commissioners to inquire into the applications for the organization of volunteer fire companies; and the result of such inquiry, whether in favor or against said application, shall be certified by them, through the Chief Engineer, to the Common Council, for confirmation. No volunteer fire companies shall

be organized, unless approved by said Commissioners, save as provided for hereafter, in section twelve.

§ 10. It shall be the duty of the Chief Engineer of the Fire Department to present to said Commissioners the names of all persons applying to be volunteer firemen, and of all persons expelled or resigned from the Department; and on the same being duly investigated and determined by them, they shall certify the result of action to the Chief Engineer, who shall thereupon return the same to the Common Council for their approval.

Volunteer
applicants.

§ 11. The said Commissioners shall have cognizance of all complaints against volunteer firemen for riotous or disorderly conduct at fires or alarms of fire, or for violation of any of the state or city laws respecting the firemen of the city of New York; they shall diligently inquire into the same, and if the parties so charged shall be proved guilty, the said Commissioners are hereby empowered to suspend or remove such firemen, subject to the approval of the Common Council.

Complaints

Penalty

§ 12. Should any disagreement arise between the Common Council and the said Commissioners, in regard to any decision of the latter, under the ninth, tenth and eleventh sections of this act, the same shall be referred back to the Commissioners for reconsideration; and should the said Commissioners refuse to recede therefrom, or reconsider the same, then their action shall be final, unless the Common Council, by a vote of three-fourths of all the members elected to each Board, shall, within thirty days after said action shall have been certified to them, overrule such decision.

Disagree-
ment of
Commis-
sioners.

§ 13. The said Commissioners may make such rules and regulations as may be necessary for the performance of

Rules, &c.

their duties, not inconsistent with the laws of the city or state of New York, or of the United States.

To admin-
ister oaths.

§ 14. The chairman of said Commissioners may administer oaths and affirmations to witnesses appearing before them, and may require such witnesses to testify in respect to any matters pending before the Commissioners; and should such witness or witnesses, after being duly notified, refuse to attend, the Commissioners may apply to one of the justices of the Supreme Court; and upon proper proof being made of the service of notice, the said justice shall issue an attachment compelling the attendance of such witness or witnesses.

Perjury.

§ 15. False swearing before said Commissioners shall be deemed perjury, and punishable as such.

Badge.

§ 16. The Common Council shall, in addition to the fire cap now in use, design a badge, one of which shall be worn by every fireman when on duty as such, and by such exempt firemen as the Board of Commissioners may give permission to, in writing, and they shall pass such ordinances as may be requisite to prevent the approach of persons, other than firemen or policemen, to the vicinity of fires.

False repre-
sentation of
member
ship.

§ 17. Any person who shall falsely represent any of the members of the Fire Department of the city of New York, or who shall maliciously, with intent to deceive, use or imitate any of the signs, fire caps, badges, signals or devices adopted or used by the Fire Department, shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not less than seventy-five dollars, or more than two hundred and fifty dollars, and by imprisonment for a term not less than ten days, or more than three months; and all fines so collected to be paid over to the trustees of the New York Fire Department Fund.

Penalty.

§ 18. The term " Volunteer Firemen" shall be understood ^{Volunteers} as applying to all persons who now are, or who may hereafter become members of the Fire Department of the city of New York, as at present organized under the laws of the state, and of said city.

§ 19. All laws or parts of laws, now existing, the provisions of which are inconsistent with all or any of the provisions of this act, are hereby repealed.

§ 20. This act shall take effect on the second Tuesday in May next.

78th SESSION.

CHAP. 143.

An act to amend an act entitled "An act to amend an act entitled an act to extend the charter of the firemen of the city of New York," passed April sixteenth, one thousand eight hundred and fifty-one.

PASSED April 3, 1855.

The People of the state of New York, represented in Senate and Assembly, do enact as follows:

Act as to
charter of
Fire De-
partment
amended.

§ 1. Section one of an act entitled "An act to amend an act entitled an act to extend the charter of the firemen of the city of New York, passed April sixteenth, one thousand eight hundred and thirty-one, passed March twenty-fifth, one thousand eight hundred and fifty-one, is hereby amended, and shall read as follows:

Power to
hold, &c.,
real estate.

The said Corporation shall have power to purchase, hold and convey any estate, real or personal, for the use and objects for which the said Corporation was instituted; but such real or personal estate shall not exceed the sum of one hundred and fifty thousand dollars.

§ 2. This act shall take effect immediately.

Resolution as to returns of companies prior to location.

APPROVED March 31, 1855.

Resolved, That the Chief Engineer is hereby instructed not to receive the returns of any persons who may hereafter be organized as a fire company until the said company is provided with a location and apparatus by the Common Council, and to date the said returns to the Common Council for confirmation from the time the said company is fully ready to perform active fire duty.

Returns
not to be
received be-
fore located

Resolution as to allowing additional men to Americus engine No. 6.

APPROVED April 5, 1855.

Resolved, That Americus Engine Company, No. 6, be and they are hereby allowed ten additional men.

Engine 6.

Resolution as to Hydrant Companies.

APPROVED April 30, 1855.

Resolved, That the Chief Engineer of the Fire Department be, and he is hereby directed not to receive the returns of any members of hydrant companies who may join after the passage of this resolution.

Hydrant
Companies.

Resolution as to amount of hose to be carried by a company.

APPROVED May 7, 1855.

Resolved, That hereafter all hose companies shall carry not less than nine lengths of hose, and the Chief Engineer is hereby directed to notify all hose companies to comply with this resolution immediately after the passage thereof.

Lengths of
hose to be
carried.

The following is the force of the Fire Department in the city; and the number of engines, hose carriages and trucks, in each district, is as follows:

There are fifty-one engine companies, sixty hose companies, and fourteen hook and ladder companies; nearly all of which are supplied with the necessary apparatus for service.

There are also four hydrant companies, whose duty it is to take charge of the hydrants at fires.

FIRST DISTRICT.

Eleven engines; seven hose carriages, and three hook and ladder trucks.

SECOND DISTRICT.

Eight engines; five hose carriages, and two hook and ladder trucks.

THIRD DISTRICT.

Four engines; ten hose carriages, and two hook and ladder trucks.

FOURTH DISTRICT.

Six engines; six hose carriages, and two hook and ladder trucks.

FIFTH DISTRICT.

Five engines; six hose carriages, and one hook and ladder truck.

SIXTH DISTRICT.

Eight engines; fifteen hose carriages, and three hook and ladder trucks.

SEVENTH DISTRICT.

Four engines; five hose carriages, and one hook and ladder truck.

EIGHTH DISTRICT.

Five engines and five hose carriages.

ENGINE COMPANIES.

No. 1. James M. Byrne, foreman; location, Forty-seventh street, between Eighth and Ninth avenues; second class, Piano style.

No. 2. Franklin Waterbury, foreman; location, 21 Henry street; second class, Philadelphia style.

No. 3. Samuel Martin, foreman; third class, old New York style.

No. 4. Thomas Leary, foreman; location, Mercer street, between Amity and Fourth streets; second class, Philadelphia style.

No. 5. Henry C. Schoonmaker, foreman; location, 61 Ann street; third class, Old New York style.

No. 6. Henry Close, foreman; location, Henry street, near Gouverneur; second class, Philadelphia style.

No. 7. G. Joseph Ruch, foreman; location, Twenty-fifth street, between Second and Third avenues; second class, Philadelphia style.

No. 8. Jesse W. Chase, foreman; location, 91 Ludlow street; second class, Philadelphia style.

No. 9. Henry Mansfield, foreman; location, 47 Marion street; first class, four inch cylinder, new style.

No. 10. George Kimberly, foreman; location, Tenth avenue and Twenty-seventh street; third class, Piano, Carson style.

No. 11. James J. Murray, foreman; location, Wooster street, near Spring; second class, Philadelphia style.

No. 12. James W. Lawrence, foreman; location, Fiftieth street, near Lexington avenue; third class, four inch cylinder, Piano, new style.

No. 13. Daniel Donovan, foreman; location, 5 Duane street; third class, Carson style.

No. 14. Enoch Smith, foreman; location, Church and Vesey streets; second class, Philadelphia style.

No. 15. Edward Welch, foreman; location, 49 Chrystie street; first class, four inch cylinder, Philadelphia style.

No. 16. Edward Beadle, foreman, location, 128 West Broadway; first class, nine inch cylinder, Philadelphia style.

No. 17. John Gunson, foreman; location, 38 Mangin street; third class, Carson style.

No. 18. Disbanded; second class, four inch cylinder, Carson style.

No. 19. John Slowey, foreman; location, 199 Chrystie street; second class, Philadelphia style.

No. 20. John Morrissey, foreman; location, 3 Temple street; third class, Carson style.

No. 21. Charles Neary, foreman; location, Anthony street, near Broadway; second class, Philadelphia style.

No. 22. James E. Morgan, foreman; location, Centro and Chambers streets; second class, Piano style.

No. 23. William H. Johnson, foreman; location, 223 Twelfth street; first class, four inch cylinder, Philadelphia style.

No. 24. Timothy L. West, foreman; location, Seventeenth street, near Ninth avenue; second class, Piano style.

No. 25. John H. Layman, foreman; location, 1006 Broadway; third class, Piano style.

No. 26. Augustus G. Cook, foreman; location, Fifth street and First avenue; second class, four inch cylinder, Piano style.

No. 27. W. S. Jennings, foreman; location, Carmanville; second class, four inch cylinder, Piano, new style.

No. 28. Daniel Stanbury, foreman; location, Twenty-seventh street, near Fourth avenue; third class, Piano, new style.

.

No. 29. George C. Brown, foreman; location, 14 Amos street; second class, Piano, Carson style.

No. 30. Disbanded; third class, old New York style.

No. 31. Disbanded; second class, Philadelphia style.

No. 32. William M. Fisk, foreman; location, 101 Hester street; third class, Carson style.

No. 33. James Masterson, foreman; location, Fifty-eighth street, near Broadway; second class, four inch cylinder, (end break) Carson style.

No. 34. Charles Miller, foreman; location, Christopher, near Hudson street, second class, Piano style.

No. 35. John Gillelan, foreman; location, Harlem; third class, Carson style.

No. 36. Henry A. Gilbertson, foreman; location, Bloomingdale; third class, old New York style.

No. 37. Ebenezer S. Dewey, foreman; location, Fifty-ninth street, near Third avenue; third class, old New York style.

No. 38. Julian Botts, foreman; location, 28 Ann street; first class, Philadelphia style.

No. 39. Alexander Spaulding, foreman; location, Thirty-first street, near Seventh avenue; third class, Carson style.

No. 40. James M. Bard, foreman; third class, old New York style.

No. 41. Alonzo Hawley, foreman; location, Delancey, corner of Attorney street; second class, Piano, Carson style.

No. 42. John J. Bloomfield, foreman; location, 2 Murray street, second class, Piano, new style.

No. 43. Abraham Horne, foreman; location, Manhattanville; third class, Piano, Carson style.

No. 44. Julian C. Harrison, foreman; location, Houston, near Cannon street; second class, Philadelphia style.

No. 45. Francis Bazzoni, foreman; location, Third avenue and Eighty-fifth street; second class, four inch cylinder, Piano, new style.

No. 46. John Nesbitt, foreman; location, Third avenue, near Twenty-sixth street; second class, four inch cylinder, (end break) Carson style.

No. 47. M. A. Reed, foreman; location, Yorkville; third class, old New York style.

No. 48. John C. Meyers, foreman; location, Twenty-fourth street, between Seventh and Eighth avenues; second class, four inch cylinder, (end break) Carson style.

No. 49. Henry P. McGown, foreman; location, One hundred and twenty-sixth street, near Third avenue; second class, four inch cylinder, Piano, new style.

No. 50. R. P. Barker, foreman; location, 165 West Twentieth street; third class, old New York style.

No. 51. John F. Sloper, foreman; location, Twenty-second street, between First and Second avenues; third class, Piano, new style.

HOSE COMPANIES.

No. 1. Phineas Smith, foreman; location, Madison, near Pike street; four-wheeled carriage.

No. 2. Henry Borman, foreman; location, 5 Duane street; four-wheeled carriage.

No. 3. James G. Spencer, foreman; location, 211 Hester street; four-wheeled carriage.

No. 4. Robert V. Mackey, foreman; location, Delancey and Attorney streets; four-wheeled carriage.

No. 5. James F. Wenman, foreman; location, Firemen's Hall, Mercer street; four-wheeled carriage.

No. 6. Daniel McGarvie, foreman; location, 23½ Gouverneur street; four-wheeled carriage.

No. 7. John Reynolds, foreman; location, Thirteenth street and Fourth avenue; four-wheeled carriage.

No. 8. Charles Smith, jr., foreman; location, 74 Cedar street; four-wheeled carriage.

No. 9. John Lynes, foreman; location, 174 Mulberry street; four-wheeled carriage.

No. 10. Charles L. Brower, foreman; location, 3 Dover street, four-wheeled carriage.

No. 11. J. H. Westervelt, foreman; location, 14 Amos street, four-wheeled carriage.

No. 12. A. C. Coquillet, foreman; location, Thirteenth street, near Ninth avenue, four-wheeled carriage.

No. 13. James H. Johnson, foreman; location, 34 Mangin street; four-wheeled carriage.

No. 14. James R. Mount, foreman; location, 19 Elizabeth street; four-wheeled carriage.

No. 15. Andrew H. Mitchell, foreman; location, 1½ Elbridge street; four-wheeled carriage.

No. 16. Timothy Donovan, foreman, location, junction of Houston and First streets; four-wheeled carriage.

No. 17. Terance Kiernan, foreman; location, Fifth street and First avenue.

No. 18. Peter Brady, foreman; location, 28 Beaver street; four-wheeled carriage.

No. 19. S. B. Thompson, foreman; location, 52 Greene street; four-wheeled carriage.

No. 20. S. B. Ketcham, foreman; location, 30 Ann street; four-wheeled carriage.

No. 21. John D. Moore, foreman; location, 804 Washington street; four-wheeled carriage.

No. 22. Richard W. Taylor, foreman; location, 108 Hester street; four-wheeled carriage.

No. 23. John Stagg, foreman; location, Horatio street, near Ninth avenue, four-wheeled carriage.

No. 24. Abraham L. Brewer, foreman, location, 315 Spring street; two-wheeled carriage.

No. 25. Daniel Rooney, foreman, location, Anthony street, near Broadway, four-wheeled carriage.

No. 26. James M. Chubbuck, foreman; location, Norfolk street, near Division; four-wheeled carriage.

No. 27. James Hall, foreman; location, 106 Reade street; four-wheeled carriage.

No. 28. Augustus Hurd, foreman; location, Chambers and Centre streets, four wheeled carriage. '

No. 29. William D. Holmes, foreman; location, Nineteenth street, near Third avenue; four wheeled carriage.

No. 30. Daniel Townsend, foreman; location, 262 West Twenty-seventh street; four-wheeled carriage.

No. 31. Thomas Sullivan, foreman; location, 7 Jackson street; four-wheeled carriage.

No. 32. William Halden, foreman; location, Forty-eighth street and Ninth avenue; two-wheeled carriage.

No. 33. John Rayney, foreman; location, 118 Sullivan street; four-wheeled carriage.

No. 34. Robert Place, foreman; location, Tenth street, near Dry Dock; four-wheeled carriage.

No. 35. John Birch, foreman; location, 199 Mercer street; four-wheeled carriage.

No. 36. William A. Woodhull, foreman; location, 205 Madison street; four-wheeled carriage.

No. 37. Hugh Mooney, foreman; location, Broadway, between Twenty-sixth and Twenty-seventh streets; four-wheeled carriage.

No. 38. Jacob C. Camp, foreman; location, 132 Amity street; four-wheeled carriage.

No. 39. Henry Allman, foreman; location, 346 Third avenue; four-wheeled carriage.

No. 40. Abraham Myers, foreman; location, Barrow, near Hudson street; four-wheeled carriage.

No. 41. Thomas Brennan, foreman; location, 67 Watts street; four-wheeled carriage.

No. 42. John Brice, foreman; location, 286 West Thirty-third street; four-wheeled carriage.

No. 43. J. D. Vandenburg, foreman; location, Harlem; four-wheeled carriage.

No. 44. Joseph Millward, foreman; location, Thirty-first street, near Eighth avenue; four-wheeled carriage.

No. 45. Arthur Elliott, foreman; location, Thirty-third street; near Third avenue; four-wheeled carriage.

No. 46. James Millward, jr., foreman; location, Thirty-seventh street, near Eighth avenue; four-wheeled carriage.

No. 47. Joseph Radley, foreman; location, Fourth street, between Lewis street and Avenue D; four-wheeled carriage.

No. 48. Ab'm. Quackenbush, foreman; location. Eighty-fifth street, near Third avenue; four-wheeled carriage.

No. 49. Jacob L. Smith, foreman; location, 126 Cedar street; four-wheeled carriage.

No. 50. James Y. Watkins, foreman; location, 10 $\frac{1}{2}$ Mott street; four-wheeled carriage.

No. 51. Isaiah Keyser, foreman; location, Fiftieth street, near Lexington avenue; four-wheeled carriage.

No. 52. Wright Seaman, foreman; location, One hundred and twenty-second street, near Third avenue; four-wheeled carriage.

No. 53. William Thompson, foreman; location, 179 Church street; four-wheeled carriage.

No. 54. James A. Johnston, foreman; location, 153 Franklin street; four-wheeled carriage.

No. 55. A. T. Anderson, foreman; location, Perry street; four-wheeled carriage.

No. 56. George H. Giltsov, foreman; location, 217 Wooster street; four-wheeled carriage.

No. 57. John Clancy, foreman; location, Halls of Justice, (temporary,) four-wheeled carriage.

HOOK AND LADDER COMPANIES.

No. 1. Noah L. Farnham, foreman; location, 26 Chambers street.

No. 2. Stephen Mitchell, foreman; location, Twenty-fourth street, between Seventh and Eighth avenues.

No. 3. William E. Berrien, foreman; location, 132 Amity street.

No. 4. Thomas W. Wilding, foreman; location, 20½ Eldridge street.

No. 5. Robert Lindsay foreman; location, 91 Ludlow street.

No. 6. S. F. Kirby, foreman; location, Firemen's Hall, Mercer street.

No. 7. James McLeod, foreman; location, One hundred and twenty-sixth street, Harlem.

No. 8. John C. Ellrodt, foreman; location, Forty-eighth street and Eighth avenue.

No. 9. E. A. Moore, foreman; location, Twenty-seventh street, near Fourth avenue.

No. 10. Gregory Conner, foreman; location, Third avenue, near Eighty-fifth street.

No. 11. Disbanded.

No. 12. Gerrit Smith, foreman; location, Fiftieth street, near Second avenue.

No. 13. Michael H. Fisher, foreman.

No. 14. Robert S. Dixon, foreman, location, Greenwich, near Perry street.

HYDRANT COMPANIES.

No. 1. No returns.

No. 2. Henry Barrow, foreman.

No. 3. Jesse Ketcham, “

No. 4. James W. Smith, “

AN ORDINANCE *for the better regulation of the firemen
of the city of New York.**

§ 1. All members of the New York Fire Department shall hereafter, when on duty as firemen, wear the leathern cap as heretofore used, or a badge as hereinafter provided. Badges:

§ 2. The badge mentioned in the preceding section shall be made of Princes' metal, bearing the words "New York Fire Department," and each badge shall bear a distinct number in raised figures thereon, of white metal; and the badge to be worn by exempt firemen, as provided for in section third of this ordinance, shall be composed of white metal, with the figures thereon of Princes' metal, but in all other respects to conform to the badge herein described for use by the active members of the department; said badges shall be struck from dies, which shall be exclusively the property of the Corporation of the city of New York, and shall be placed in the custody of the Clerk of the Common Council: and all of such badges shall be numbered as the Commissioners of the New York Fire Department may direct. Of Princes' metal.

Under whose charge.

§ 3. The said badges shall be deposited with the Commissioners of the New York Fire Department, who shall have sole charge of the distribution of the same; and it shall be the duty of the said commissioners to keep a register of the names of all persons who now are, or who may hereafter become members of the New York Fire Department, and of the number of the company to which said persons are attached; and also of the names of such By whom distributed.

* This ordinance was approved on the 14th of June, 1855, subsequent to the printing of the body of the work,—hence its insertion here.

exempt firemen as may, in writing, be permitted by the said commissioners to wear the badges aforesaid, and of the number of the badge delivered to each of said firemen or exempt firemen.

Clerk to
certify ap-
pointments.

§ 4. It shall be the duty of the Clerk of the Common Council to certify, in writing, to the Commissioners of the New York Fire Department, the names of all persons who may be appointed firemen; whereupon it shall become the duty of the said commissioners to deliver to each of them one of the badges aforesaid; and the said commissioners shall also deliver one of the aforesaid badges to each of such exempt firemen, as may, by virtue of section 16, of an act of the legislature of the State of New York, entitled, "An act for the better regulation of the firemen in the city of New York," passed March 29th, 1855, be permitted by said commissioners to wear the same.

Badges to
be return-
ed.

§ 5. The badges herein mentioned shall be the exclusive property of the city of New York; and when any member of the Fire Department shall resign, or be removed therefrom, it shall be the duty of the foreman and secretary of the company to which such member was attached to make a return of such removal or resignation forthwith, to the Chief Engineer, together with the badge formerly worn by such member; and the Chief Engineer shall, on the first of every month, report to the commissioners aforesaid, the names of such members of the Fire Department as shall have resigned or been removed therefrom since his last report, and shall, with said report, return to the said commissioners the badges worn by such members.

Ibid.

§ 6. If the foreman and secretary of any company, or either of them shall fail to comply with the provisions of the preceding section, in relation to the return of

badges, no return of members elected by such company shall be received therefrom, unless good and satisfactory cause shall be shown to the commissioners why said badges are not returned; and should any member of the Fire Department lose his badge it shall be the duty of the commissioners to inquire into the circumstances of the case, and unless they are satisfied that such loss was without fault on the part of the said member, they shall have power to suspend or remove him from the department in their discretion, but should the loss be satisfactorily accounted for to the said commissioners, then they shall have the power to grant a new badge with a different number.

§ 7. Every exempt fireman to whom permission shall be given by the said Commissioners of the New York Fire Department to wear the aforesaid badge, shall have the said permission renewed some time during the month of May in each year, otherwise such permission shall be deemed revoked, and the said commissioners may, at any time, revoke any permission so granted by them, but in case such permission is not renewed, or is revoked, it shall be the duty of such exempt fireman to restore the badge, previously worn by him, to the said commissioners. Exempt firemen.

§ 8. Any member of the New York Fire Department, or exempt fireman, who shall violate any of the foregoing sections of this ordinance, shall be subject to a fine of not less than twenty-five or over two hundred and fifty dollars, and to imprisonment for the term of ten days; and all fines so collected, shall be paid over to the Trustees of the New York Fire Department Fund. Penalty.

§ 9. It shall be the duty of the police, when a fire occurs, to form a line, at least two hundred feet distant from Duty of Police.

the said fire, on either side thereof; and they shall not, under any circumstances, permit any person to pass said line, unless said person shall wear the uniform or badge of the Fire Department, the uniform of the insurance patrol, or be a member of the Common Council, a member of the Police Department, an owner of property within, or resident in the prescribed lines.

Ibid. § 10. It shall be the duty of the police to promptly remove, from within the said lines, all persons not designated in the last preceding section, and all persons refusing to retire, at the request of a policeman, from within the said lines, shall be deemed guilty of a misdemeanor, and forthwith arrested.

§ 11. All ordinances, and parts of ordinances, now existing, so far as the same are inconsistent with any or all of the provisions of this ordinance, are hereby repealed.

§ 12. This ordinance shall take effect immediately.

Approved by the Mayor, June 14, 1855.

INDEX.

Agents, insurance, in relation to the Fire Department.....	91
Aldermen, Assistant, exempt from militia duty.....	118
how to be distinguished at fires.....	126, 144, 161, 178, 216, 245, 271, 355
to be notified by watchmen.....	128, 145, 247, 273
Apparatus not to be run on the side-walk.....	151, 154, 171, 208, 244 270, 327, 352, 368
repairs to, in Corporation yard.....	289, 308
where to perform duty.....	323
Assistant Engineers, duties of.....	88, 208, 258
compensation of.....	90, 229, 316
to perform duty of Fire Wardens.....	103
how appointed.....	232, 233, 279, 293
appointment of C. Vanderbilt, as.....	311
for the Twelfth Ward.....	320
number of, increased.....	119, 318
Bell on Centre market.....	284
on Halls of Justice.....	291
signals on alarm.....	323
Bell-ringers required to ring church bells.....	169, 226
to be notified by watchmen.....	218, 273
ordinances relative to.....	328, 329, 357, 358
Breaches of the peace, to be reported.....	296, 369
Buckets, inhabitants to procure, &c.....	22, 23, 129
law relative to, repealed.....	135
Buildings, how to be erected.....	10, 14, 15, 27, 38, 51, 63, 66, 96, 106, 191
penalties, if contrary to law.....	12, 14, 28, 29, 30, 39, 46, 53, 55, 69, 86
within certain limits.....	13, 27, 48

Buildings, how to be repaired	15, 53
to be pulled down, &c.	23, 24
may be roofed with shingles	31, 40, 84
to be fire proof	41, 80
materials for	45, 49, 51
exempt from the act	54
Captains of Police, duties at fires	112
Centre market bell	284
Certificates, by whom to be signed	33, 216
to be furnished gratis	149, 166, 183, 221, 251, 278, 362
from whom procured	276, 354
Chief Engineer to sign certificates	33
to decide claims	35
an officer in the department of Repairs and Supplies	95
how to be elected	110, 222, 232, 233, 258, 279
ordinances relative to election of	329, 337, 363
report of the	116, 361
duties of the	120, 137, 155, 196, 208, 209, 222, 232, 234, 258, 259, 294, 339, 343
salary of	135, 222, 233, 257, 259, 280, 295, 303, 311, 342, 364, 368
" increased	291, 304, 311, 342
to report names to fill vacancies	154, 171 207, 208
to ascertain why church bells are not rung	168
to recommend Fire Wardens	192
oath of office	222, 280
to advertise for estimates for new engines, &c.	222
to approve and sign bills,	223, 235, 308
to report neglect of bell-ringers	226, 275
vacancy of, by whom filled	233, 234, 256, 259, 294, 342, 368
how nominated	256, 293, 363, 367
nominations for, how certified	279
who entitled to vote for	280, 364
penalty for disobedience of	284
expenses of election of	288, 365
resignation of U. V. Anderson as	311
appointment of A. Carson as	311
chief officer of bureau	313
to have charge of construction of apparatus	313

Chief Engineer, ordinances relative to the	314, 315, 337, 363, 368
to attach men to another company	354
Chief of Police, powers of	111
duties at fires	112
Churches, steeples of, may be covered with wood	15, 31
Church bells, when not rung, to be reported	205
Cisterns to be constructed	167, 168
City to be divided into districts	228
Common Council, to appoint firemen	20
to make rules, &c.	21
to order inhabitants to procure fire buckets, &c.	22
to bear expense of pulling down buildings	24
authorized to pass ordinances, &c.	24, 363
authorized to lay out wharves and slips	25
Clerk of the, to sign certificates	33, 149, 166, 183, 221
.	251, 278, 362
clerk of the, to advertise fire limits	224
Commissioners of Fires, appointment of, and powers	253
act relative to, (appendix)	377
Companies, number of men in different	297, 307, 332
names of, changed	297
to have use of Croton water	372
Constables, &c., organized into companies	117
to be exempt from militia duty	118
to attend fires	129, 146, 163, 181, 218, 230, 249, 275, 359
Councilmen, badges of office at fires	355
Courts to charge Grand Jurors relative to buildings	15
Cox, Jamison, Chief Engineer, resigned	185
Districts, the city to be divided into	228
divided	291, 318
no engine to leave its	292, 366
new plan of numbering	318
boundaries of	321
Dwellings, how to be constructed	63, 66, 191
Election, neglect to hold	8
Special	279

Election, rules for holding	380
first, when held	281
Engines, not to be seen on the side-walks	154, 171, 208, 244, 270, 295,
305, 352, 368	
not to be let	203, 215, 245, 354
not to be removed, unless foreman, &c., are present	208, 270, 353
old and condemned, to be sold	223, 260, 295, 343, 364, 368
duties of members of, after fires	268
members to prevent handling of	269
not to leave their districts	292
third class, number of men allowed	327
number of men allowed to each	369
companies, names changed	297
companies, their names and locations	297
Engineers, Assistant, duties of	88, 208, 258
compensation of	90, 229, 316
to perform duties of Fire Wardens	103, 318
how appointed	232, 233, 279, 293, 319
appointment of C. Vanderbilt as	311
for the Twelfth Ward	320
number of, increased	119, 318
how distinguished at fires	126, 161, 178, 216, 245, 271
vacancies, how to be filled	149, 259, 294
to report violations of ordinances, 152, 155, 172, 208, 244, 249, 270	
question of election of, submitted to approval of firemen	319
Fines, how to be recovered	34, 36, 37
Firemen, to be appointed by Common Council	20
their duty	20, 215, 229, 350
exempt from certain public duties	20, 32, 78, 79, 376
their names to be registered	21, 372
removable by the Common Council	21
Common Council to make rules, &c., for	21
exempt after a certain time	32, 78, 79
to be members of the Fire Department	34
maimed, how to be provided for	34
privates allowed to become	35
militia not to be engaged as	42
competent to be witnesses	44

Firemen, term of service as	47, 71, 77, 184
in case of removal from the city.....	71
exempt, eligible to office.....	74
not to receive relief from Fire Department fund, &c.....	114
to be divided into companies, 125, 142, 160, 177, 214, 241, 266, 350	
caps of the.....	127, 162, 179, 217, 246, 272, 355, 393
to receive certificates of service.....	136, 216, 221, 271, 354
removal of, for neglect of duty.....	161, 178
not to be elected under certain age.....	148, 166, 183, 221, 251, 277,
	331, 362
to obey Engineers.....	267, 351
to deliver names, &c., to Captains of Police.....	326, 373
must be citizens of the United States.....	331
vote of expulsion.....	355
entitled to vote for Chief Engineer.....	364
suspended, not to take command.....	371
Fire not to be used on vessels loaded with hay	117
Fire and Building Department	195
Fire and Water Committees, to be joint	200
power to take engines.....	206, 244, 270, 295
bills to be examined by.....	236, 260
Fire caps, to be uniform	115
Fire Department, act of incorporation	5, 62, 382
continuance as a body politic.....	33
moneys to be paid to.....	91
powers of.....	105, 382
value of property of.....	116, 150
of whom to consist, 120, 137, 153, 170, 207, 232, 257, 292, 337, 367	
how vacancies are to be supplied.....	153, 170, 207, 208
memorial to the legislature relative to.....	285
rights of members of the.....	286
no expenses for election exceeding twenty-five dollars to be	
paid.....	288
sections of ordinance relative to the, repealed.....	289
names of Committee changed.....	371
Fire apparatus, how to be cleaned	227
duties of persons to clean.....	227, 242, 267
salary of person to clean.....	228, 241, 242
suitable person to take charge of.....	228

Fire apparatus, engineers have power to remove persons having	
charge of.....	229, 269
not to be constructed in public yard.....	278
Fire companies to obey Chief Engineer.....	255
to have the use of Croton water.....	372
Fire Commissioners, appointment of.....	253
act relative to, (Appendix).....	377
Fire limits extended.....	65, 80, 117, 118, 119, 134, 151, 170, 183, 185, 199, 206
Fire telegraph, relative to the.....	308, 325, 330, 374
Fire Wardens, office of, abolished.....	76
appointment and number of.....	99, 100, 121, 211, 212, 347
compensation of.....	103, 113, 139, 155, 157, 174, 328, 349
powers of.....	117
how appointed.....	121, 138, 173, 210, 262, 347
vacancies, how filled.....	100, 122, 139, 156, 210, 211, 237, 262, 347
duties of.....	101, 122, 211, 237, 238, 263, 265
subject to the direction of the Chief Engineer.....	122, 139, 156, 174, 211, 237, 263
to examine houses, and report.....	123, 124, 140, 141, 158, 159, 175, 212, 264
to be notified by watchmen.....	128, 247
to act as Health Wardens.....	136
to be divided into companies.....	138, 156, 173, 210, 236, 263
how to be distinguished at fires.....	126, 144, 161, 173, 178, 216, 245, 271, 348, 355
to be appointed from firemen.....	191
to be recommended by Chief Engineer.....	192
division of, of the Ninth Ward.....	201
must be residents of the ward.....	210, 237, 263
office vacated by removal from the ward.....	211, 237, 263
ordinance in relation to.....	301, 318, 345
must attend fires.....	348
to report annually.....	102, 348
caps to be worn.....	348
Flag, where to be kept.....	19
Foreman and Secretary to make annual returns.....	320, 372
Foreman and Assistants, duty of.....	296, 369
Funds, how to be applied.....	8

Gunpowder, how and where to be kept.....	16, 56
penalty for keeping.....	16, 56
how to be conveyed through the streets.....	17, 57
where to be stored.....	57
notice to be given of seizure.....	57, 58, 59
Hall bell to be rung.....	225
Hay and straw, how to be placed.....	250, 277, 360
Hemp, where to be kept.....	19
Hook and ladder companies, duties of, after fires.....	268
person to take charge of.....	269
numbers and locations.....	300
Hose to be protected.....	203
Hose companies, duties of, after fires.....	268
their numbers and location.....	299
lengths of hose to be carried by.....	383
Hydrants not to be injured.....	191, 303, 310, 371
Hydrant fire companies.....	194
by-laws.....	194
law relative to, repealed.....	200
not to receive returns of.....	383
Idle and suspicious persons may be removed, &c.....	24
Machine for throwing down chimneys.....	133
Mayor, duty to enforce ordinances.....	278, 362
Militia, not to be engaged as firemen.....	42
law amended.....	117
Penalties for building contrary to law.. 12, 14, 15, 39, 46, 53, 55, 87, 107	
how recovered and appropriated... 12, 14, 20, 87, 132, 133, 148,	
152, 165, 166, 182, 220, 251, 277, 361	
for keeping sulphur, hemp, flax, tar, pitch, &c.....	19
for firing guns, &c.....	20
for running apparatus on side-walks.....	152, 154, 171, 244, 296
for injuring hydrants.....	191, 303
for chimneys being on fire.....	219, 250, 276
for not ringing bells in case of fire.....	24
for disobeying engineers.....	255

Pitch, tar, &c., where to be kept	19, 60
Police, in case of alarm of fire	75, 112, 357, 373
exempt from militia, fire and jury duty	112
Policemen, an ordinance relative to, at fires	326, 357, 373
removal for neglect of duty	359
Powers, to hold and convey real estate	6
of representatives	6
Preamble in relation to the Fire Department	5
Premium for plans for supplying water	188
President and Vice President first chosen	6
duties of	7
vacancies, how filled	7
Quorum for business	8
Repairs to apparatus in Corporation yard	289
Representatives, powers of	6
first, named	6
apportionment of	6
duties of	7
act relative to, amended	119
Secretary, first chosen	7
Sheriffs, duties of, in cases of fire	21, 90
Signals on alarm bells	323
Store and store-houses, how to be built,	96, 106
Street Commissioner's Department, law relative to estimates in the, repealed	201, 202
Street Inspectors to report violations of ordinance	303
Sulphur, where to be kept	19, 60
Superintendent of Buildings, duty of	280
Title, or name	5
Treasurer, first chosen	7
duties of	7
Trustees, first chosen	7
duties of	7
Volunteer associations disbanded	290
Volunteers not to assist at fires	166, 296, 366, 369

Wards, to be divided into districts.....	123, 139, 157, 174, 211, 238
Watchmen, to notify Aldermen, &c....	128, 145, 163, 180, 218, 247, 273
to notify sextons of churches.....	135
to cry aloud in case of fire.....	190, 231, 282
to be stationed in City Hall.....	225, 248, 274, 286
penalties for not ringing bells.....	226, 248
where to be stationed.....	286
how to be paid.....	287
to be stationed at alarm bells.....	292
Water and Fire Department united.....	185
Water pipes, laying down.....	197
Water Purveyor, how appointed.....	232, 258, 301, 339
duties, salary, &c.....	235, 261, 302, 316, 344
to receive estimates, &c.....	236, 261
oath and bond.....	260, 312, 344
under whose direction.....	287, 313
ordinance in relation to duties of.....	287, 312, 344
to perform duties of Superintendent of pipes.....	304

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

2. The second step is to gather relevant information and data. This may involve research, consultation with experts, or collecting data from various sources.

3. The third step is to analyze the information and data collected. This involves identifying patterns, trends, and relationships that can help in understanding the problem or question.

4. The fourth step is to develop a solution or answer. This involves applying the analysis to the problem or question and formulating a response that addresses the requirements.

5. The fifth step is to evaluate the solution or answer. This involves checking the solution against the requirements and ensuring that it is accurate and complete.

6. The sixth step is to communicate the solution or answer. This involves presenting the findings in a clear and concise manner, using appropriate language and format.

7. The seventh step is to reflect on the process. This involves thinking about what was learned from the experience and how it can be applied to future tasks.

8. The eighth step is to seek feedback. This involves asking others for their thoughts on the solution or answer and using their input to improve the work.

9. The ninth step is to document the process. This involves keeping a record of the steps taken and the results achieved, which can be useful for future reference.

10. The tenth step is to review the process. This involves looking back at the entire process and identifying areas for improvement and learning.

1. The first part of the document is a letter from the author to the reader, explaining the purpose of the study and the methods used. The letter is dated 1998 and is addressed to the reader.

JUL 26 1911

OCT 24 1911

MAR 14 1912

